RUBIN DECLARATION EXHIBITS CONTINUED

Rubin Exhibit 37

From: Chris Corces. Sent:9/28/2006 7:56 PM.
To: [-] melissat@fanscape.com.
Cc: [-] .
Bcc: [-] .
Subject: RE: You tube.

Hey Melissa,

I definitely understand that and will be much more careful in the future, here is the link for youtube
http://www.youtube.com/watch?v=B8dOuqLWx4Q

Thanks!

Chris

Chris Corces

Grassroots Marketing Manager

chrisc@fanscape.com

323.785.7789 (p)

323.785.7101 (f)

3201 W Cahuenga Blvd

Los Angeles, CA 90804

aim: chrisvjera

_____

From: Melissa Taylor [mailto:melissat@fanscape.biz]
Sent: Thursday, September 28, 2006 11:45 AM
To: chrisc@fanscape.com
Subject: RE: You tube

Keep in mind that the only site the clients care about is you tube so that will be the first place they will look

Melissa Taylor

Sr. Director of Marketing

Fanscape

3201 W. Cahuenga Blvd.

Los Angeles, CA 90068

Direct: 323 785 4209

Email: melissat@fanscape.com

IM: meltaylor74

www.fanscape.biz

www.fanscape.com

_____

From: Chris Corces [mailto:chrisc@fanscape.com]
Sent: Thursday, September 28, 2006 11:28 AM
To: melissat@fanscape.com
Subject: RE: You tube

I really don't understand why these videos keep doing this on you tube because they work on all of the other sites, I will convert it again and upload it as a different file. This is my fault not an interns so I will fix it and just convert every movie from now on.

Chris

Chris Corces

Grassroots Marketing Manager

chrisc@fanscape.com

323.785.7789 (p)

323.785.7101 (f)

3201 W Cahuenga Blvd

Los Angeles, CA 90804

aim: chrisvjera

_____

From: Melissa Taylor [mailto:melissat@fanscape.biz]
Sent: Thursday, September 28, 2006 11:16 AM
To: chrisc@fanscape.com
Subject: You tube

The Woodies upload on you tube has no volume, huge issue

If it is just me then tell me but whoever is uploading needs to check this stuff.

This is really really important.

Please let me know what the issue is

Thanks

Melissa

Melissa Taylor

Sr. Director of Marketing

Fanscape

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Direct: 323 785 4209

Email: melissat@fanscape.com

IM: meltaylor74

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Rubin Exhibit 38

From: Richard Stumpf
Sent: Tuesday, October 24, 2006 11:39 AM
To: John Stix <jstix@cherry lane.com>
Subject: RE: You Tube PBR Promo using our newest song "Move"

For FOX

From: John Stix
Sent: Tuesday, October 24, 2006 11:36 AM
To: Richard Stumpf
Subject: RE: You Tube PBR Promo using our newest song "Move"

Is Move the new theme song to PBR?

js

John Stix
Cherry Lane Music
6 East 32nd Street, 11th floor
New York, NY 10016
Direct Dial 212-561-3430
Fax 212-251-0822
Cherry Lane Corporate 212-561-3000

-----Original Message-----
From: Richard Stumpf
Sent: Tuesday, October 24, 2006 11:26 AM
To: NYC Office
Subject: You Tube PBR Promo using our newest song "Move"

Very cool …

http://www.youtube.com/watch?v=KylUHdDXuCg

Richard Stumpf
Senior Vice President, Creative Services/A&R & Marketing
Cherry Lane Music
6 East 32nd Street 11th Floor
New York, NY 10016
212-561-3734
212-679-8157 (fax)

www.cherrylane.com
Please visit http://www.myspace.com/nflremix to hear our latest NFL Films Music remixes which are available for licensing.

Rubin Exhibit 39

Subject: RE:
From: "Exarhos, Tina" <EX:/O=VIACOM/OU=MTVUSA/CN=RECIPIENTS/CN=EXAROST
>
To: DeBenedittis, Paul A. - Programming
Cc: Date: Tue, 28 Nov 2006 03:23:43 +0000

We actually provide clips to YouTube quite aggressively. Though I was told that we might have to pull back at some point soon. I'll fill you in tmrw.

From: DeBenedittis, Paul A. - Programming
Sent: Mon 11/27/2006 3:36 PM
To: Exarhos, Tina
Subject:

Should we discuss a more aggressive approach with our series clips, short-form, etc.
How can I help?

CBS Scores 29.2 Mil. Total Views on YouTube Channel

Mike Shields

NOVEMBER 27, 2006 -

A fight between two comely women on CBS' NCIS has helped drive some early success for the network's new partnership with YouTube.

Roughly a month after the CBS Brand Channel debuted on YouTube, CBS said that the 300-plus video clips its has distributed on the video-sharing site has become some of its more popular content, delivering 29.2 million total views or an average of 857,000 streams a day since the channel went live on Oct. 18.

The most popular clip to date is NCIS/Cat Fight, a snippet from the Mark Harmon-starring drama featuring two female characters wrestling each other to the ground as several men gawk. NCIS/Cat Fight, one of three CBS clips to crack YouTube's top 25 for this month, has been viewed over 1.6 million times.

The other top clips from the first 17 days of November are tied to promotional appearances made by comic Sacha Baron Cohen, the star of the movie Borat: Cultural Learnings of America for Make Benefit Glorious Nation of Kazakhstan. Cohen's appearance on Late Show with David Letterman has been viewed on YouTube over a million times, while his visit to The Early Show has generated nearly 970,000 streams.

CBS says that more than 20,000 users have subscribed to its YouTube branded channel since last month. Newly installed CBS Interactive president Quincy Smith said that early on, the YouTube channel is providing the network with useful insight, while possibly even driving new viewers to CBS' shows. "What's most exciting here is the extent to which CBS is learning about its audience as never before," said Smith. "YouTube users are clearly being entertained by the CBS programming they're watching as evidenced by the sheer number of video views. Professional content seeds YouTube and allows an open dialogue between established media players and a new set of viewers."

Since the CBS Brand Channel launched, CBS reports that, while directly attributable or not, Late Show with David Letterman has added 200,000 new viewers while The Late Late Show with Craig Ferguson is up 100,000 viewers.

paul a debenedittis
executive vice president
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Rubin Exhibit 40

NBC – YouTube

NBC Puts Scrubs Song on YouTube
Broadcasting & Cable
Anne Becker
December 27, 2006
NBC has had previous success drawing YouTube users to musical clips from Saturday Night Live, first with the show's "Lazy Sunday" and most recently with "A Special Christmas Box.

NBC is promoting its upcoming musical episode of Scrubs by streaming a clip of it on YouTube. A song from the episode, set to air Jan. 18, will stream on NBC's section of YouTube beginning Dec. 29.

The song - "Everything Comes Down to Poo" - becomes the second of the musical episode's songs to be previewed on YouTube. Earlier this month, NBC put "Guy Love," another of the episode's numbers, on the viral video site.

Scrubs' musical episode will feature songs written by Robert Lopez and Jeff Marx, the composers of Broadway's Avenue Q and will guest star one of the play's original cast members, Stephanie D'Abruzzo.

NBC has had previous success drawing YouTube users to musical clips from Saturday Night Live, first with the show's "Lazy Sunday" and most recently with "A Special Christmas Box."

###

Putting the 'Net in networks; Broadcast outlets start turning to the Web in a big way to recapture viewers
Mekeisha Madden Toby
The Detroit News
August 8, 2006
"We learned from YouTube," says Beth Comstock, NBC's president of digital media and market development. "Users love YouTube, and that's where the eyeballs are."

So when "Nobody's Watching," that failed WB pilot that never reached TV, became a big hit on YouTube with some 300,000 downloads, its partner NBC happened to be standing by ready to benefit from the success. And if the fourth-place network has anything to do with it, the program will be all that anyone talks about, much less watches.

Thanks to NBC, broadcast TV's growing dependency on the Web has officially come full circle.

Peacock executives announced recently that they would be taking an unaired TV pilot that caught fire on the YouTube site, and not only make new episodes for the Internet, but move the show to its TV lineup. Execs are hoping the show, "Nobody's Watching," can bring its Internet audience with it for its second shot at TV success.

"We learned from YouTube," says Beth Comstock, NBC's president of digital media and market development. "Users love YouTube, and that's where the eyeballs are."

Gone are the days when viewers curled up on the sofa to tune in to their small-screen favorites. In an instant information era, where most people younger than 40 turn on their computers as

soon as they roll out of bed, it's no wonder that Web surfers now flip through sites instead of channels for entertainment.

Friends forward funny video shorts and clips through e-mails so contagious that the origin is often lost in the laughter.

Goodbye, remote control. Hello, mouse.

It's no surprise that hipper cable networks like MTV and the scrappier Bravo have interactive components and downloadable programming. Being on the cutting edge is how cable fights for viewers.

But in a race to stay relevant with the personal-computer crowd, NBC and the other four broadcast networks are all moving toward Internet extras and exclusives -- for example, offering downloadable versions of their best shows on their own sites or by hawking them through iTunes.

"We spend too much time in the broadcast business beating up on the other broadcast businesses," says Stephen McPherson, president of ABC's entertainment. "We've got a lot of competition right now, so if we can get ratings and we can make money, that is where it's all at."

And if you can't beat them -- well, you know the rest. The join 'em solution first proved successful when the broadcast networks faced their initial wave of major competition: As cable exploded in the '90s, joint-ventures like MSNBC followed.

Today, they're taking that philosophy to the Web. Even CBS, still considered the Grandma network despite increasingly hip programming, has paired up with Yahoo for a "60 Minutes"-produced site, which starts in September. The site will have highlights, archival and unseen footage and interactive content.

"The Web is a different place than television," says Larry Kramer, CBS' president of digital media. Earlier this year, the eye network streamed NCAA basketball tournament games that couldn't be seen on TV and made a killing. "What we've learned is, so far, nothing we're doing on the Web detracts from television.

"And generally what it's been -- and I think March Madness is the best example of this -- is the Web offers the ability to see something viewers may not have been able to see."

YouTube, NBC and a bunny

Hoping to turn shared video into a business venture, Chad Hurley, Steve Chen and Jawed Karim -- friends who had once worked at PayPal (an e-commerce money conduit) -- launched a little site called YouTube in the winter of 2005 in San Mateo, Calif.

By the end of last year, the site became wildly popular thanks to a "Saturday Night Live" video sketch called "Lazy Sunday."

Angry that people -- 5 million to be exact -- had been downloading the clip from YouTube, NBC lawyered-up, slapping the Tubies with a cease-and-desist order.

But by June, NBC decided it would be better to make friends with YouTube than to fight it, and a partnership was born.

The timing could not have been better. Last month, Nielsen Net ratings declared YouTube the fastest growing video-sharing Web site, averaging 12.8 million unique visitors a week.

So when "Nobody's Watching," that failed WB pilot that never reached TV, became a big hit on YouTube with some 300,000 downloads, its partner NBC happened to be standing by ready to benefit from the success. And if the fourth-place network has anything to do with it, the program will be all that anyone talks about, much less watches.

The show's premise is apropos to the situation; "Nobody's Watching" is about two idealistic friends who end up working for a network and creating their own sitcom.

" 'Nobody's Watching' is just one example of how professional content creators are recognizing the opportunity to promote their programs through YouTube," says Christine Schirmer, the Web portal's senior public relations manager.

But even before NBC and YouTube became buddies, the network had already started tapping into the video-sharing site's mojo with an unorthodox look at the egg-hunt holiday called "The Easter Bunny Hates You."

NBC released the short -- which features a person in a pink bunny costume kicking butt and taking names -- on the Net this spring, and it ended up on YouTube, iFilm.com and other video-Web destinations. It wasn't until this summer's Television Critics Association's Press Tour that NBC truly 'fessed up.

"We deliberately tested this one to see how far it would go without an NBC brand," Comstock says of "The Easter Bunny Hates You."

"We're trying to figure our way through it," she says. "We thought this one, because it is a bit experimental and viral, we thought it would be best to try it without branding. It's a bit more authentic now."

Making money with the mouse

So NBC gains unexpected street cred with a wild video clip about a furry friend turned vicious foe. So how did that put money in the peacock's pocket?

It didn't this time -- but the powers-that-be have hope for the future.

"I think as the quality level of these videos goes up, you're going to see advertisers start to be much more willing to have an ad placed in there in some sort of context," says Kevin Reilly, NBC's president of entertainment. "I think that will be the next level for us."

Just like on TV, ad dollars help networks make money on their Web ventures. For example, NBC has Web-exclusive episodes of "The Office: The Accountants." It's a spinoff of the hit sitcom "The Office." But before you can dig into the two-minute installments, mini commercials for things such as cars and copy shops pop up.

The same thing happens with ABC.com. Go to download an episode of "Desperate Housewives," and ads for pain relievers and the like appear before, during and after.

Although these ads can be somewhat of a nuisance, they are a lot shorter than TV commercials and can even be minimized until the shows return.

Very few of the networks have come out and said just how much they make on Web programming, but some profits are easier to track than others. Take, for instance, the aforementioned March Madness boon that CBS experienced.

Viewers downloaded the games more than 19 million times and CBS, in turn, made $4 million in revenue, says Les Moonves, the network's president and CEO.

Getting on board

Despite such Web-revenue windfalls, not all networks are fully on the broadband bandwagon. For instance Fox, which often ties ABC for second place in the ratings, offers hit series such as "24" for sale on iTunes, but it doesn't stream any programming on its site.

The only other network that has yet to do this is broadcast TV's fledgling, the CW.

And even the CW plans to have an interactive component on its Web site, one that would allow visitors to produce their own CW promos that could air on TV, says Dawn Ostroff, the network's president of entertainment. The promo feature will debut this fall.

Not to be outdone, Fox is considering streaming the final episodes of canceled programs on its site, much the way ABC and NBC have done.

"Being first is not what's most important," says Peter Liguori, Fox's president of entertainment. "Being the most creative is what's most important for us. The single most important thing we can do is provide great content.

"Once you have great content, all the other distribution platforms come into play."

Play, the networks will. Whether they're testing it out or hitting their stride, the broadcast biggies are digging into this fertile, new ground -- and the impact is already being felt throughout society.

CBS may have earned millions with its March Madness programming, but according to Challenger, Gray & Christmas Inc., a stat-crunching outplacement firm in Chicago, the American workplace in turn lost an estimated $3.8 billion in lost productivity.

TV online

Channel-surf on the Web with these broadcast, broadband and basic-cable offerings.

ABC (abc.com): Highlights, clips and music videos from the hot medical drama "Grey's Anatomy" and other programs, such as "Desperate Housewives" and "According to Jim." Meanwhile, "World News with Charles Gibson" (abcnews.com) streams previously-aired news and feature stories.

AOL (aol.com/in2tv): Download classics such as "Alice," "Growing Pains" and "Wonder Woman" for free.

Bravo (brilliantbutcan celled.com): Watch free, prematurely canceled series, such as "Gideon Oliver," a very short-lived mystery series starring Lou Gossett Jr.

CBS (cbs.com/innertube): The eye network's broadband channel is called Innertube. The Mac-compatible channel boasts full episodes of shows, including "Big Brother: All-Stars," and original content such as "Greek to Chic," a Web exclusive reality-show that does makeovers for frumpy frat boys.

Comedy Central (mother load.comedycentral.com): Series highlights from "The Daily Show with Jon Stewart," "South Park" and others, as well as stand-up comedy performances.

Fuse TV (fuse.tv): Deleted scenes from freaky competition series "Pants-Off Dance-Off" and a request forum for the music show "Dedicate Live."

Google (video.google.com): Music videos -- including David Hasselhoff's offbeat "Jump in My Car" -- movie trailers, TV shows and more.

iFilm (ifilm.com): Some 16 channels, categorized by various genres -- anime, movies, world. You can also download movie parodies, trailers and shorts.

MTV (overdrive.mtv.com): Music videos by the pound and behind-the scenes footage and deleted scenes from "Run's House," "Real World: Key West" and others.

NBC (nbc.com): Offers two-minute episodes of "The Office: The Accountants," an Internet exclusive spinoff of the hit sitcom; highlighted performances from "America's Got Talent"; and unaired episodes of the abysmally unfunny "Joey."

OutzoneTV (outzonetv.com): A gay-focused site, it features videos of gay iconic comedian Kathy Griffin, fashion shows and links to bravotv.com and gay.com.

Sci Fi (scifi.com/pulse): This is the place for "Battlestar Galactica" fans. Sci Fi's site has video blogs for the dramatic outer-space remake, as well as deleted scenes and the occasional episode.

YouTube (YouTube.com): The mother of all download sites, YouTube is a user-sharing site that has everything from obscure live performances to parodies, canceled sitcoms, homemade romps and more, with 40 channels and over 100 standalone clips. Considered the Napster of videos, YouTube gained some security when it partnered with NBC a few months ago, but some experts say users' amateur music videos may make it susceptible to lawsuits for copyright infringement.

###

Video-sharing Site YouTube Stuns NBC by Posting Entire Pilot of New Drama
The Denver Post
Joanne Ostrow
August 7, 2006
NBC says, diplomatically or wishfully, that the folks at YouTube "continue to be cooperative when it comes to enforcing the protection of our copyrighted material.

"We like the idea that [YouTube] is a viral organization. We like that they have 100 million streams a day, we like that they have 15 million unique visitors a day. We have to manage how we work with them," Miller said. "I'd much rather be working with them than against them."

The TV networks are discovering how tricky and perhaps even pointless it is to try to tame the wild frontier of the Internet.

All of the broadcast networks are using online sites to create buzz for their fall shows. But NBC learned again recently that the Net plays by its own rules.

NBC had come down hard on YouTube early this year when that popular video-sharing site ran the "Lazy Sunday" video from "Saturday Night Live." Then, after noticing that the site draws 15 million mostly young (i.e. desirable) visitors a day, NBC decided to get in bed with **YouTube**.

NBC struck a deal that gives NBC front-page prominence on the site for promos, includes traditional ads and steers visitors to an NBC-branded page.

Last week, the entire pilot for "Studio 60 on the Sunset Strip," the NBC drama by Aaron Sorkin ("The West Wing"), was posted on YouTube -- not just a clip as NBC had planned. There was the complete pilot of NBC's hope for a hit, free and commercial-free, in 10-minute chunks, on the Web, submitted anonymously.

Surprised NBC executives admitted it was "both good buzz and a copyright problem."

The pilot of NBC's "Heroes" similarly made its way to science- fiction fan sites. The pilot for "Friday Night Lights" turned up on BitTorrent.

John Miller, head of marketing for NBC Universal Television Group, said, "either our security is really weak or these shows are really hot."

Technology has made the idea of "premiere week" particularly quaint.

Network executives are debating how much is good promotion and how much is a case of stolen intellectual property? (The Warner Bros. lawyers are on the case regarding "Studio 60." **NBC says, diplomatically or wishfully, that the folks at YouTube "continue to be cooperative when it comes to enforcing the protection of our copyrighted material."**)

NBC has other avenues for gaining advance buzz: Soon "Heroes" is slated to appear on Yahoo for a week. "Kidnapped" and "Studio 60" will be available via NetFlix. "Friday Night Lights" and "30 Rock" will be on NBC's firstlook.com later this month. And "20 Good Years" is slated for MSN.

The current "make your own 'Office' promo" contest is another instance of a network dipping a toe in the new user-generated content business. Miller is happy to report "hundreds of entries." If you thought reality TV was low-cost, wait until you see how cheap do-it-yourself content creation is.

When television was young, flogging a new show meant magazine ads, bus and subway placards and on-air promotion. Now it's a matter of viral video, stealth marketing, online leaks and digital interactivity.

"We do want sampling on these things, but it's gotten to be so large and so unprotected, if somebody gets it on YouTube, it can be spread around," said NBC's Miller.

NBC's deal with YouTube runs only through the fall series launches. Presumably there will be serious discussions to assess how it went before moving forward. Assume that if cliffhanger episodes pop up online during the November sweeps, they weren't approved by NBC.

"We are trying to embrace the technology. This space can be a little like the Wild West," Miller said. "You can put something out there and not get it back."

In the grand scheme, the number of people accessing these shows via computer or NetFlix is still relatively small. The bulk of the TV-watching public still gathers on the couch during the second week in September to see what's new. But this is a time of experimentation for all media, and business models are being shaped by these initial efforts. As traditional networks find their way in

the new digital world, the pros and cons of "interactive" stunts, contests and hijinks are being weighed.

They have to go where the buzz is. But how to avoid getting burned?

"We like the idea that [YouTube] is a viral organization. We like that they have 100 million streams a day, we like that they have 15 million unique visitors a day. We have to manage how we work with them," Miller said.

"I'd much rather be working with them than against them."

###

ON TV - Networks flocking in a frenzy to new media also fear it
Peter Ames Carlin
The Sunday Oregonian
July 30, 2006
"For all I know, (they're) out there shooting right now," Reilly told critics during his press conference last week. "Bill wants to shoot it fairly close to the air, so you've got the Internet influencing the show influencing the online content. . . . Win, lose or draw, these are the kinds of things we've got to try."

"People are finding it's helpful to help them put things in context," said Beth Comstock, the executive now in charge of NBC's new media programs.

PASADENA, Calif. --Derek and Will strolled into NBC's party at the Ritz-Carlton Huntington Hotel last weekend dressed in matching black tuxedos, with matching grins on their boyish faces and a camera crew matching their progress across the Horseshoe Garden's sloping lawn.

The guys are from Ohio, a couple of TV fans who somehow lucked into a deal to create their own sitcom for a major TV network. It's such an amazing story, in fact, that Derek and Will are also the subject of a reality show about the making of their sitcom. Isn't Hollywood a magical place?

Yes, indeed. So magical, in fact, that the reality show about the making of the sitcom is actually a sitcom about a reality show about a couple of Ohio guys making a sitcom.

Derek and Will don't really exist, in other words. They're actors named Taran Killam and Paul Campbell. But hang onto your hat because now the story is going to get even more confusing.

Because the sitcom they're in --called "Nobody's Watching," co-created by Bill Lawrence, the guy behind NBC's "Scrubs" --was nearly, but not quite, picked up by the WB for the 2005-06 season. But then WB passed on the pilot, and it looked like nobody would ever be watching "Nobody's Watching." Then this spring someone leaked the pilot to the youtube.com video library Web site. Word of mouth spread, downloads escalated into the hundreds of thousands, and the networks took notice. NBC entertainment chief Kevin Reilly swooped in, and now the "Nobody's Watching" crew will produce a chain of Internet-only "webisodes." Assuming the buzz continues, the show will join NBC's primetime schedule sometime during the mid-season.

"For all I know, (they're) out there shooting right now," Reilly told critics during his press conference last week. "Bill wants to shoot it fairly close to the air, so you've got the Internet influencing the show influencing the online content. . . . Win, lose or draw, these are the kinds of things we've got to try."

Reilly was echoed by virtually all of the network executives who visited the Ritz-Carlton during the weeks-long TV summit this month. Because as the home entertainment universe expands to

include the many options provided by the Internet, DVDs, DVRs, iPods and everything else, the mainstream TV industry is in a mad sprint to adapt.

Virtually all of the network executives presented their own versions of the future. Then they'd introduce their own vice presidents for digital and/or multimedia and/or the land of the future described rapidly expanding fiefdoms stretching from computers to hand-helds to cell phones to futuristic devices that haven't even been developed yet. The NBC-Universal gang even set up a "digital living room" outside the Ritz-Carlton's ballroom (a bunch of computers and comfy chairs, basically) to demonstrate the various Web sites, video streams and interactive opportunities the network now offers.

"People are finding it's helpful to help them put things in context," said Beth Comstock, the executive now in charge of NBC's new media programs. "I'll admit, when I came into this job six months ago, I was hardly a digital diva. And to be able to sort of play around with the technology, understand the impact and really get to learn the language has been incredibly powerful."

I have no doubt that Comstock is a smart woman who now knows way more about online media than I do. But the fact that NBC would even think about appointing a digital newbie to her position reveals something about the networks' mind-set about new media: The people running the TV industry don't really know how the online world works, let alone how it's going to fit into the old media world of TV broadcasting.

But does anyone really know how to interpret the ebb and flow of online views/downloads? Does it matter that downloads of the first nine-minute segment of "Nobody's Watching" on youtube.com outnumber those of its third segment by nearly 3-to-1? Or that the show, for all its conceptual cleverness and the laid-back charm of its stars, isn't quite as pointed, or even funny, as you might expect?

Still, "Nobody's Watching" is fast on its way to NBC's primetime air. And TV's new media fixation is having an even broader, if more subtle, impact on the evening TV schedule, too. Given the overarching importance of delivering predictable (and large) numbers of viewers to the TV for the predictable (and long) stretches of advertisements, the networks yearn to create shows that viewers not only want to see, but also want to see the moment they're on the air. When the ads are on, and even TiVo owners are powerless to zip past them.

Big events --your Academy Awards, Super Bowls and Olympics skating finals --do this nicely. But those are only annual or quadrennial happenings, while elimination-centric reality shows can keep viewers glued to their seats on a weekly basis. And when it comes to traditional dramas, the big winners are serialized mystery/cliffhanger shows ("24," "Lost") whose core viewers can't stand the idea of missing, or even being behind the curve of, the latest twist or catastrophe.

Better still, those viewers also tend to be the sort of obsessive types who flock to their show's Web site(s), play the show-themed games, enter contest and otherwise make themselves present and accounted for in ad-rich, multimedia environments.

"I may be naive, (but) I really think that great content conquers all," Fox entertainment chief Peter Liguori said the other day. "If we're creating eventlike shows . . . that is something people want to experience in the moment."

Maybe even on a television.

###

Downsizing 'The Office': Hit goes from small to smaller
Adam Thomlison
The Brockville Recorder and Times (Ontario)
July 29, 2006
"The YouTube and NBC partnership symbolizes what can happen when traditional media companies and new-media companies find common ground," said John Miller, chief marketing officer for NBC Universal Television Group.

"YouTube is the perfect online media partner to promote NBC's marquee entertainment to their audience and explore new and creative ways to harness the power of viral video in a manner that respects copyrights."

"We applaud YouTube for their continued willingness to work with us to remove any unauthourized NBC content and protect our copyrighted material," added Miller. "We are thrilled to be partnering with this forward-thinking company."

"We are delighted to work with NBC on an official basis. Bringing more entertaining and exclusive content to YouTube helps further our goal of providing the best video entertainment experience on the Internet," said Chad Hurley, co-founder and CEO of YouTube.

DOWNSIZING THE OFFICE: Fittingly for a show that satirizes the world of downsizing and cubicles, NBC's The Office has moved from the small screen to the even smaller screen.

It's economized its use of time as well, cutting its episode time by roughly 90 per cent as it airs a series of "webisodes" exclusively on NBC.com over the summer.

The stand-alone episodes, 10 two-to-three-minute installments of a whodunit within the show's fictional accounting department, are available weekly with a new one posted every Thursday.

"The serialized, weekly arc will star the accounting staff of the Dunder Mifflin paper company in an edge-of-your-ergonomically-designed-seat whodunit," according to a network news release.

The case at hand involves $3,000 missing from the show's fictional Scranton office of the equally fictional Dunder Mifflin paper-supply company. Hot on the money's trail, and ready to turn on each other, are the show's three accounting-department sleuths: Angela (played by Angela Kinsey), Kevin (Brian Baumgartner) and Oscar (Oscar Nunez). The episodes will also feature Rainn Wilson as the ever-popular Dwight.

The short episodes will carry through to Sept. 14, providing a nice lead-in to the third season premiering in the fall.

The Golden Globe-winning sitcom, which also earned three Writers Guild awards for its inaugural season, is a mockumentary of office life starring, among many others, Steve Carell, who E! Online said "might be the funniest man alive."

JOINING FORCES: Television has long subscribed to the "if you can't beat 'em, join 'em" philosophy of viewership competition. And so it's joining YouTube.

YouTube.com, the latest and hottest way of watching television without all those pesky commercials (and televisions, for that matter) has inked a "groundbreaking" promotional deal with NBC that will see each promote the other to their massive audiences.

"The YouTube and NBC partnership symbolizes what can happen when traditional media companies and new-media companies find common ground," said John Miller, chief marketing officer for NBC Universal Television Group.

"YouTube is the perfect online media partner to promote NBC's marquee entertainment to their audience and explore new and creative ways to harness the power of viral video in a manner that respects copyrights."

Copyrights are a big issue here, as many observers say the networks are eager to establish a stronger Internet presence in an attempt to curb video piracy.

"We applaud YouTube for their continued willingness to work with us to remove any unauthourized NBC content and protect our copyrighted material," added Miller. "We are thrilled to be partnering with this forward-thinking company."

As part of the deal, NBC has agreed to create an official NBC Channel on YouTube that will be heavy on clips and promotional material for its upcoming fall season. But be on the lookout for more than just advertising, as the network has also offered up clips from such excerpt-friendly favourites as Saturday Night Live and The Tonight Show.

"We are delighted to work with NBC on an official basis. Bringing more entertaining and exclusive content to YouTube helps further our goal of providing the best video entertainment experience on the Internet," said Chad Hurley, co-founder and CEO of YouTube.

YouTube is currently the most popular destination for online videos, with people watching more than 70 million videos per day on the site. That makes it the 17th-most-visited site on the Internet.

TRIED AND TRIUNFO: Networks take chances on dozens of new pilots every year, hoping they'll catch on and pull in a steady audience to keep the advertisers happy.

But it's not such a risk if the show has already pulled in viewers by the millions. So what if they don't speak English?

ABC has trotted out The One: Making a Music Star, a new reality competition series that follows students at a Los Angeles music academy.

A solid enough concept on its own, but it sounds even better when you hear that it's the American adaptation of the record-smashing Spanish sensation Operacion Triunfo. The show earned a massive 70 per cent viewing share, broke loads of Spanish-TV records and hauled in 11 industry awards thus far.

###

NBC's Watching "Nobody"
Joal Ryan
E! Online
July 24, 2006
http://www.eonline.com/news/article/index.jsp?uuid=eff46184-2539-4647-adb2-31ceaaf2d96b
This comedy pilot has generated a life of its own, and we are intrigued by its potential to develop into a series," NBC Entertainment president Kevin Reilly said in a statement. "Sometimes, if you show it, they will come.

###

NBC Rolls Out Dramas
Diane Werts
Newsday
July 23, 2006
By making new webisodes about its two Hollywood hangers-on, NBC hopes to bring the concept to TV in some form. "To have it reach that spontaneous mass so quickly really spoke to something," said Reilly, whose network recently made a deal to provide video for the YouTube Web site.

PASADENA - NBC's new fall shows are generating strong industry buzz, and network programer Kevin Reilly was exuding that confidence in talking with TV critics at a press tour. "We really believe we've got the schedule now that is resetting for the future," he said Friday, with a "diversity of ideas" that "represent the personal points of view and vision of their creators."

Reilly made his name at FX developing offbeat character dramas such as "The Shield" and "Nip/Tuck," and three years into his NBC stint, this fall's pilots finally reflect that same ensemble breadth and depth.

"Friday Night Lights" sharply adapts the movie about a Texas small town where life revolves around high school football, and "Studio 60 on the Sunset Strip" cooly studies the players both behind and in front of the camera at a network late-night show.

The latter hour, from "West Wing" creator Aaron Sorkin, had even admiring critics wondering whether it was too inside-baseball. Reilly said the setting is "a backdrop to make social commentary on the culture at large and pop culture in particular. It's not navel-gazing on the inner workings of TV. It's a character show." The Monday-at-10 drama with Matthew Perry and Bradley Whitford launches NBC's fall premiere slate Sept. 18, after a two-hour return of the game-show hit "Deal or No Deal."

But as of Aug. 5, the "Studio 60" pilot can be rented from the Netflix DVD service, along with new drama "Kidnapped." NBC is embracing not only promotional opportunities such as that, but also development possibilities on other platforms. It's funding further shooting for "Nobody's Watching," a comedy pilot from "Scrubs" creator Bill Lawrence that ended up a viral hit online after The WB passed on it. **By making new webisodes about its two Hollywood hangers-on, NBC hopes to bring the concept to TV in some form. "To have it reach that spontaneous mass so quickly really spoke to something," said Reilly, whose network recently made a deal to provide video for the YouTube Web site.**

Comedy still lags behind the drama resurgence at NBC, which this fall adds just the John Lithgow-Jeffrey Tambor vehicle "Twenty Good Years" and, in one of those Hollywood coincidences, the city-filmed late-night TV half-hour "30 Rock" from "Saturday Night Live" writer Tina Fey. Reilly said the network just didn't have the right lead-ins for launching more, and "you can count on one hand the number of comedies that have self-started."

Reilly also announced John Stamos will join the "ER" cast and Sally Field and Andre Braugher will guest during a fall run of all new episodes Sept. 21-Dec. 14. "America's Got Talent" returns in January, Sundays at 8. A two-hour Madonna concert airs in November.

###

Kevin Reilly Defends NBC (Again)
David Kronke
The Daily News of Los Angeles
July 22, 2006
Full text from Nexis.
``We tried to clamp down on YouTube; now, we've now gone into business with them,'' Reilly noted.

If it's NBC's portion of the Television Critics Association's press tour, then it's time for the semiannual pick-on-Kevin-Reilly-athon.

Reilly, NBC's president of entertainment, may not have been responsible for NBC's woes (two years ago, the network dropped from first to fourth place in one season, and its ratings remain flat), but he certainly inherited them and is the guy who has to answer for them.

``Our ratings will definitely be better,'' he said. ``We'll be a challenger in many time periods. I don't know if our shows are going to break out, but there's potential for many shows to break out. I think our fall's going to look pretty potent.''

Reilly admitted that many of NBC's new series, particularly ``Friday Night Lights,'' ``Studio 60 on the Sunset Strip'' and ``30 Rock,'' concerned themes that are traditionally hard sells to mainstream audiences. ``Lights'' is a sports-oriented program, while the other two series focus on the entertainment industry.

``Some question the sustainability of some of these concepts, and these are valid points,'' he said. ``But distinctive ideas often defy conventional wisdom. Quality pays dividends.''

Reilly chalked it up to one of those ``weird show-business coincidences'' that ``Studio 60,'' from ``West Wing'' creator Aaron Sorkin, and ``30 Rock,'' from ``Saturday Night Live'' head writer Tina Fey, both offer behind-the-scenes glimpses at an ``SNL''-type show.

Sorkin's series initially was touted as the network's savior before questions arose about it; it's now considered one of the fall season's best new shows.

``We've already gone through a few cycles,'' Reilly admitted. ``There's already been a backlash against the backlash. No question it was overheating too early.

``Once the pilot got out, the response was, they're not over-hyping this thing,'' he continued. ``I think it will find a passionate, loyal core audience that is indicative of the NBC brand.''

NBC's latest new shows, Reilly said, ``have my personal stamp. I'll stand behind any of these shows, succeed or fail. Of these six new shows, we have six viable shows, any one of which could break out.''

In other news, Reilly announced a two-hour Madonna concert special to air in November and said NBC is considering other venues for Jay Leno after he leaves ``The Tonight Show'' in 2009.

Reilly also announced that NBC is developing a series of ``Nobody's Watching'' Web-isodes for YouTube with an eye on it evolving into an on-air series. ``Nobody's Watching'' was created by ``Scrubs' '' Bill Lawrence for the WB in conjunction with NBC Studios. It wasn't picked up, but its pilot generated considerable heat when it popped up on YouTube without the network's permission.

``We tried to clamp down on YouTube; now, we've now gone into business with them,'' Reilly noted.

###

Failed NBC pilot to have revival with Web episodes
Jill Vejnoska
The Atlanta Journal-Constitution
July 22, 2006
Full text from Nexis.
"Initially we attempted to clamp down on YouTube. We now in fact have gone into business with them for promotional efforts for our fall [shows.] That video, like everything else on YouTube at this point, none of it has official clearance. We allowed it to happen."

Pasadena, Calif. --- Nobody's watching, my you-know-what.

NBC announced Friday that it had made a deal to create new Web episodes of the one-time failed series pilot "Nobody's Watching," with an eye toward bringing it back as a network show sometime next season.

"We want to do more of this kind of thing," NBC Entertainment President Kevin Reilly said at the Television Critics Association press tour here.

Shooting already has begun on the episodes of undetermined length that will hit the Internet within the next month; some of that material could be incorporated into the scripts that NBC has ordered developed for the more traditional TV series. "When there's a draw, this is the kind of thing we've got to try."

That "draw" he referred to is the online afterlife being enjoyed by the original "Nobody's Watching" pilot from "Scrubs" creator Bill Lawrence. In it, two young Ohio men frustrated by the current state of television jump at a network's offer to create their own sitcom. Unbeknownst to them, they become the subject of a reality series in which their every move is scripted and recorded by network executives.

NBC didn't pick up the pilot last year, and that seemed to be the end of that. Until it found its way several weeks ago onto YouTube, the popular video-posting site (www.youtube.com), where it's been downloaded 600,000 times. Given the Unseen Manipulative Network Hand at work in "Nobody's Watching," Reilly was asked if NBC Universal had anything to do with the pilot finding its way onto YouTube.

"We absolutely did not. I did not even know about it until I started getting e-mails," Reilly said. "Initially we attempted to clamp down on YouTube. We now in fact have gone into business with them for promotional efforts for our fall [shows.] That video, like everything else on YouTube at this point, none of it has official clearance. We allowed it to happen."

In other NBC news

The network will launch its fall season on Sept. 18, with a two-hour "Deal or No Deal," followed at 10 p.m. by the highly anticipated inside-television drama "Studio 60 on the Sunset Strip" from "West Wing" creator Aaron Sorkin. In a one-time stunt, "Deal" will air four nights (taking Thursday off) during premiere week. Reilly patted NBC on the back for not running last winter's surprise hit "Deal" this summer, while getting in a shot at rival Fox at the same time.

"We showed a tremendous amount of restraint as networks go," Reilly said. "Had we [aired it], I think we would be absolutely dominating this summer and 'So You Think You Can Dance' would have been a far distant second place." * Filmmaker Spike Lee is working on ideas for two drama series with NBC, announced this week. One would be set in New Orleans. * Preliminary conversations are under way with Jay Leno about a continuing role for "The Tonight Show" host when he hands over the reins to Conan O'Brien in 2009. "We never thought for a second Jay was going to just go gardening," Reilly said. They're talking about a couple of ideas, although you can scratch one off the list. "Jay doesn't want to do specials," said Reilly, who tamped down any talk

Leno might not give up "Tonight." "It's full steam ahead" for the O'Brien takeover in 2009, he said. * Joining a growing network trend, "ER" will return for its 13th season on Sept. 2 and will run straight through --- with no repeats --- for 12 episodes, then make way for new drama "The Black Donnellys." "ER" then returns in April with all new episodes. John Stamos joins the cast full time, and Andre Braugher will have a guest-starring arc.

In perhaps the most intriguing news, ex-"Frasier" dad John Mahoney will play a drag queen who wants to assume authority for his dying partner's medical care.

###

U.S. network reconsiders rejected TV show after it finds an audience online
Lynn Elber
Associated Press
July 22, 2006
Full text from Nexis.
NBC has ordered new "webisodes" of the sitcom for the video-sharing site along with development of new scripts, Reilly told the Television Critics Association. He called it an important "experiment."

"We want to do more of this kind of thing, and it's great to have someone of Bill's caliber jumping into it because these are the kinds of things we've got to try," he said. "Win, lose, or draw, these are the kinds of things we've got to try."

"We're going to continue to look at that service and all others from a piracy basis. But on a case-by-case basis and as it feels sanctioned by us, we're willing to work with them," Reilly said Friday.

"Nobody's Watching," a TV pilot that gained an Internet following on YouTube after it failed to find a broadcast home, may be getting a second chance with NBC.

A deal with Bill Lawrence, the "Scrubs" writer-producer who's part of the team behind "Nobody's Watching," could put the show on NBC's 2006-07 schedule, NBC Entertainment President Kevin Reilly said Friday.

NBC has ordered new "webisodes" of the sitcom for the video-sharing site along with development of new scripts, Reilly told the Television Critics Association. He called it an important "experiment."

"We want to do more of this kind of thing, and it's great to have someone of Bill's caliber jumping into it because these are the kinds of things we've got to try," he said. "Win, lose, or draw, these are the kinds of things we've got to try."

The already-competitive network business is trying to find effective ways to use the growing popularity of the Internet, particularly with younger consumers that are a sought-after part of the TV audience.

"Nobody's Watching" is about Derek and Will who, frustrated with the lack of good comedy on TV, come to Hollywood to make a difference. Their chance to make a sitcom comes with a catch: Their efforts will be featured in a reality TV show.

The new Web episodes could be available in the next month on YouTube, Reilly said. The original stars, Paul Campbell and Taran Killam, "both love it, so they're ready to go," he said.

"Nobody's Watching" has drawn hundreds of thousands of hits.

WB had passed on the show before it landed on YouTube which, by some measures, is the leading video-sharing site on the Internet. YouTube says 60,000 new videos are posted daily by amateurs and professionals.

NBC will be using the Web site for promotion of its fall shows.

The agreement is ironic given that NBC Universal had objected to the posting of copyright footage from television shows. YouTube, which has responded to requests to take down such footage, committed to that practice in writing in its deal with NBC.

"We're going to continue to look at that service and all others from a piracy basis. But on a case-by-case basis and as it feels sanctioned by us, we're willing to work with them," Reilly said Friday.

###

NBC Turns On 'Nobody's Watching'
Rick Porter
Zap2It
July 21, 2006
http://www.zap2it.com/tv/news/zap-nbc-nobodyswatching,0,5673139.story
"I love the spirit of the experimentation," NBC Entertainment president Kevin Reilly says. "And I think if we can actually have something find an audience on the web, gravitate over to the network, continue with a web presence and have them feed each other, that could end up being a really cool thing.

###

NBC placing online bet on 'Nobody's Watching'
Lynn Elber
Associated Press
July 21, 2006
http://www.sfgate.com/cgi-bin/article.cgi?f=/n/a/2006/07/21/entertainment/e164205D75.DTL
"We want to do more of this kind of thing, and it's great to have someone of Bill's caliber jumping into it because these are the kinds of things we've got to try," he said. "Win, lose, or draw, these are the kinds of things we've got to try."

###

Thanks to YouTube Fans, 'Nobody's Watching' May Return From the Dead
Bill Carter
New York Times
July 3, 2006
http://www.nytimes.com/2006/07/03/arts/television/03pilo.html?ei=5088&en=5afcfd5ce7003f88&ex=1309579200&partner=rssnyt&emc=rss&pagewanted=all
But NBC retains a first shot at the show. Mr. Lawrence said that Mr. Reilly had called from his vacation in Mexico last week and said he wanted to take another look. The show's offbeat characters and rapid-fire dialogue might make it an ideal partner for another comedy on NBC, Ms. Bromstad said, a show the network has struggled to find a match for: Mr. Lawrence's "Scrubs."

###

NBC Taps Popularity Of Online Video Site
The Washington Post
Sara Kehaulani Goo
June 28, 2006

Online video company YouTube Inc. said yesterday that it will promote NBC's fall television lineup and sponsor a contest related to a popular network show, signaling a wave of marriages between old-media firms and fledgling video Web sites.

The deal follows an announcement by Warner Bros. on Monday that it will sell downloads of 200 films and TV episodes through Guba, another online video site. The partnerships seek to solve two problems for the entertainment industry: Old-media companies need popular Internet channels to fight declining TV and movie-theater viewership, and Internet video start-ups need a revenue stream to capitalize on their exploding popularity.

Since the beginning of the year, amateur video clips posted to the Internet have become a huge phenomenon, making online video sites some of the most-visited places on the Internet. YouTube.com says it attracts 20 million unique visitors a month, up from 9 million in April, but it and many competitors are privately funded and are still searching for steady revenue.

For YouTube, which has $11 million in venture capital funding and collects most of its revenue by selling banner ads, the NBC deal is "a key milestone in our company's history," said chief executive Chad Hurley. "It's a clear proof point that we're building a viable, long-term business, and it's showing there's common ground between traditional and new media."

YouTube attracted attention this year for spreading a popular online video that was illegally plucked from NBC's "Saturday Night Live" program. The clip depicted comedians rapping in a skit called "Lazy Sunday" and as it spread, it helped thousands of Internet users learn that they could share video as easily as forwarding an e-mail.

At the time, NBC executives demanded that YouTube remove the video from its site. But then, seeing its popularity, NBC posted the same video on its own Web site. "The fact that ["Lazy Sunday"] virally spread like wildfire, that clearly told us something -- that we could maybe duplicate that and create promos that people could share. The mechanism was there," said John Miller, chief marketing officer for NBC Universal Television Group. Now, he said, "we want to fully embrace the viral activity that YouTube embraces."

Financial details of the YouTube-NBC deal were not disclosed. YouTube agreed to set up an NBC page on its Web site on which viewers can watch commercials and other features, such as interviews with actors, for six programs on NBC's fall lineup and other programs including "Saturday Night Live" and "The Tonight Show with Jay Leno." In exchange, NBC will promote YouTube on TV with a contest that encourages viewers to submit funny videos of their office environments to YouTube.com. NBC will air the winner's video in conjunction with the sitcom "The Office."

To make the deal happen, however, YouTube has had to rein in some of its freewheeling, Wild-West-like appeal. The site used to take a community policing approach under which it would consider removing only videos that users reported as inappropriate or as a possible copyright violation. Now, YouTube said it has set up online features that will allow NBC to patrol YouTube's entire Web site for possible infringement of NBC's copyrighted material and enable YouTube to quickly remove it.

"This really shows how proactive we're being" about protecting copyrighted material, Hurley said. The same tools will be available to other users, he said.

YouTube said the NBC deal is the first of several relationships with media companies that it expects to announce in the coming months. Media executives said such deals are low-cost opportunities to experiment with ways to tap Internet audiences for promotions and sales. For Warner Bros., the arrangement with Guba is an experiment in using an alternative outlet for selling movies and TV shows in addition to a more established online vehicle such as Apple Computer Inc.'s iTunes.

"We don't know what's going to work at this point," said Jim Wuthrich, senior vice president of digital distribution of Warner Bros. home entertainment group. "Obviously, there's consumer demand for this content. The question is, are those people willing to pay for a high-quality delivery of that content? We believe so, but we don't know what content they're more interested in."

Guba LLC said its deal with Warner Bros. essentially reconfigured its revenue model, so it is no longer all ad-supported, and Guba sees less of its future tied to video content generated from the public.

While video posted by users is compelling, it is not going to pay the rent, the company said.

"A kid falling off a skateboard, or a kid lip-syncing -- I don't know if it has legs or endurance," said Thomas McInerney, chief executive of Guba. "People are used to paying for films, which to us presents a very clear revenue opportunity. The challenge for YouTube is how to keep the community happy and also make money."

###

NBC to run fall TV promos on YouTube
Associated Press Newswires
Anick Jesdanun
June 28, 2006

NBC will use the YouTube video-sharing site to promote its fall television lineup in a strategic partnership that further underscores the Internet's growing role in generating buzz around traditional media shows.

Even with the deal, announced Tuesday, YouTube visitors are not likely to find legal clips of "Lazy Sunday," the "Saturday Night Live" parody rap that circulated widely on YouTube and other video-sharing sites before NBC Universal lawyers requested their removal.

Rather, the deal will highlight promos made by or for NBC. They may include clips from new shows or old ones such as "The Tonight Show with Jay Leno," behind-the-scenes interviews and other features largely exclusive to the Internet. NBC also is sponsoring a contest for fans of "The Office" to create their own promotional videos.

"The distinction between television and video is becoming murkier and murkier," said John Miller, chief marketing officer for the NBC Universal Television Group. "Rather than putting our heads in the sand and saying this doesn't exist, we're trying to jump in and embrace it."

Miller added that the deal helps expose upcoming NBC shows to viewers who may tune out television over the summer but continue to surf the Internet.

YouTube is, by some measures, the leading video-sharing site on the Internet with its 13 million U.S. visitors viewing 550 million pages in May, according to comScore Media Metrix. YouTube says 60,000 new videos are posted daily.

The site lets amateurs and professionals alike post video -- many of them simply unedited footage from video-capable camera phones and digital cameras -- and easily share them with the entire world for free.

To the chagrin of NBC Universal lawyers, some users also have posted copyright footage from television shows. YouTube has responded to requests to take down such footage. YouTube's deal with NBC commits that practice in writing, though there will not be any changes in procedures.

Under the deal, YouTube will create a separate channel for NBC video, so that visitors can easily pull up the half-dozen or more items that NBC plans to offer at any given time. It will be similar to channels that other companies, filmmakers and everyday users create.

NBC will sponsor a contest in which fans of "The Office" can create their own 20-second promotional clip -- as long as they don't use any copyright footage from the show. NBC will provide music, graphics and a "how-to" video.

Little money will change hands, although NBC commits to buying an undisclosed amount of ads on YouTube. NBC will also run spots on television publicizing the contest.

NBC and YouTube officials acknowledged the possibility that fans will reject the clips if they appear simply as promotions, but YouTube co-founder Chad Hurley said fans would likely embrace the video if it is compelling and not available anywhere else.

NBC, a unit of General Electric Co., already makes full episodes of some already-broadcast shows available for sale for $1.99 through Apple Computer Inc.'s iTunes online store. Miller said more than 6 million have been purchased since December.

Miller said the Sci-Fi Channel's "Battlestar Galactica," USA Network's "Monk," and sketches from "Saturday Night Live" have been among the most popular, while classics such as "Alfred Hitchcock Present" have not done as well.

###

NBC Strikes deal with YouTube
CNET News
Greg Sandoval
June 27, 2006
http://news.com.com/NBC+strikes+deal+with+YouTube/2100-1025_3-6088617.html

###

NBC to run TV promos on YouTube
Hollywood Reporter
Andrew Wallenstein
June 27, 2006

NBC and YouTube are going from foes to friends.

The network is announcing a deal today that will see select clips of NBC series embedded on the popular viral-video site beginning this week, sources said.

NBC and YouTube declined comment.

The deal is quite a reversal from the well-publicized conflict that broke out between the companies in February, when peacock parent company NBC Universal ordered YouTube to remove hundreds of copyright-violating clips. A skit from "Saturday Night Live" titled "Lazy Sunday" triggered millions of streams for YouTube, becoming its most popular clip for a time.

As part of the deal, NBC will furnish YouTube with promotional clips for a number of its new and returning series, as well as late-night programs like "Tonight Show With Jay Leno." The deal also includes a contest centered on the NBC series "The Office," inviting YouTube users to create their own shortform videos touting the series.

NBC is expected to plug the YouTube alliance on the air and buy advertising on the site. NBC Uni has been active in putting its programming on new-media platforms including NBC.com, Apple's iTunes and peer-to-peer service Wurld Media.

Although the pact represents the first such deal between a broadcaster and a viral-video outlet, YouTube has been striking numerous alliances with other sectors of the entertainment industry, including cable channels E! and MTV2; film companies the Weinstein Co. and Sony Pictures Classics; and record labels like Matador Records.

###

NBC links up with YouTube.
Paul Taylor
Financial Times
June 27, 2006
"The YouTube and NBC partnership symbolises what can happen when traditional media companies and new media companies find common ground," said John Miller, NBC Universal Television's chief marketing officer.

NBC, the General Electric-owned US media group, has formed a strategic partnership with YouTube, the fast- growing US video and social networking company.

Under the terms of the agreement NBC will create an official NBC Channel on YouTube that will preview forthcoming NBC shows and show exclusive video clips promoting shows such as NBC's The Office.

YouTube, which has pioneered the rapidly expanding market for short online video clips and viral video since it was set up in February last year, will promote NBC's videos throughout its site.

The deal marks the first significant agreement between an established media company and YouTube, which says that visitors watch 70m video clips and upload 60,000 new video clips daily.

"The YouTube and NBC partnership symbolises what can happen when traditional media companies and new media companies find common ground," said John Miller, NBC Universal Television's chief marketing officer.

In addition to promoting its forthcoming schedule, NBC will upload several video presentations and so-called "longform promos" per week to the NBC Channel on YouTube from primetime and late-night programmes such as Saturday Night Live, The Office and The Tonight Show with Jay Leno.

The agreement includes an integrated, cross-promotional advertising relationship on the YouTube service and significant on-air promotion provided by NBC.

###

Pilot gets another chance to fly
San Diego Union Tribune
June 22, 2006
http://www.signonsandiego.com/uniontrib/20060722/news_lz1c22broad.html

###

NBC Universal Sets Sights Beyond CPMs
ClickZ News
Matthew G. Nelson
May 3, 2007
http://www.clickz.com/showPage.html?page=3625752
The company also has an ongoing relationship with YouTube to distribute some of its content free on the video sharing site. However, in discussing digital rights management (DRM), Comstock said she expects the company to retain copyright controls on its video content for years to come.

###

Rubin Exhibit 41

THE WALL STREET JOURNAL.
WSJ.com
SEPTEMBER 6, 2007

Download This: YouTube Phenom Has a Big Secret

Singer Marié Digby Isn't Quite What She Appears; 'Make People Like Me'

By ETHAN SMITH and PETER LATTMAN

A 24-year-old singer and guitarist named Marié Digby has been hailed as proof that the Internet is transforming the world of entertainment.

Marié Digby

What her legions of fans don't realize, however, is that Ms. Digby's career demonstrates something else: that traditional media conglomerates are going to new lengths to take advantage of the Internet's ability to generate word-of-mouth buzz.

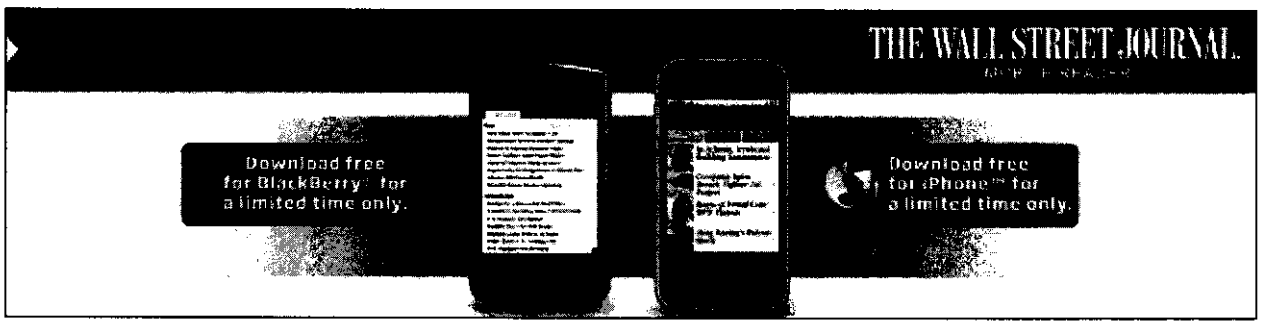
Ms. Digby's simple, homemade music videos of her performing popular songs have been viewed more than 2.3 million times on YouTube. Her acoustic-guitar rendition of the R&B hit "Umbrella" has been featured on MTV's program "The Hills" and is played regularly on radio stations in Los Angeles, Sacramento and Portland, Ore. Capping the frenzy, a press release last week from Walt Disney Co.'s Hollywood Records label declared: "Breakthrough YouTube Phenomenon Marié Digby Signs With Hollywood Records."

What the release failed to mention is that Hollywood Records signed Ms. Digby in 2005, 18 months before she became a YouTube phenomenon. Hollywood Records helped devise her Internet strategy, consulted with her on the type of songs she chose to post, and distributed a high-quality studio recording of "Umbrella" to iTunes and radio stations.

In an Aug. 16 blog posting on her MySpace page, Ms. Digby wrote: "I NEVER in a million years thought that doing my little video of Umbrella in my living room would lead to this . tv shows, itunes, etc !!!"

Ms. Digby's MySpace and YouTube pages don't mention Hollywood Records. Until last week, a box marked "Type of Label" on her MySpace Music page said, "None." After inquiries from The Wall Street Journal, the entry was changed to "Major," though the label still is not named.

The artist and her label say there's nothing untoward about the campaign. In interviews, Ms. Digby and executives at the company describe her three-month string of successes as part of a lengthy process of laying the groundwork for the



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WSJ.com

upcoming release of her debut album.

Ms. Digby says she doesn't mention her record label on her Web sites because "I didn't feel like it was something that was going to make people like me."

Feigning Amateur Status

Ms. Digby certainly isn't the first professional to feign amateur status on YouTube. Last year, "LonelyGirl15" was revealed to be a 19-year-old actress, working with filmmakers represented by the Creative Artists Agency.

The fact that a big company supported Ms. Digby's ruse reflects how dearly media giants want in on the viral revolution that's changing how young consumers learn about new entertainment -- even if it means a tiny bit of sleight-of-hand. It also reflects how difficult it is for new recording artists to get noticed now that young fans are paying more attention to Web sites such as Google Inc.'s YouTube and News Corp.'s MySpace than to traditional media like commercial radio.

The YouTube home page for singer Marie Digby.

"There are significant challenges in breaking new artists now, but there are also amazing opportunities," says Ken Bunt, Hollywood Records' senior vice president for marketing who helped devise Ms. Digby's campaign. "People get so mired in the difficulties they don't say, 'What opportunities does online present?' This is a great example of an opportunity."

Though all involved say that Hollywood Records' role in her online rise has been limited, label e xecutives say they did nothing to discourage Ms. Digby from conveying the impression that she had stumbled into the spotlight. Ms. Digby says she chose the songs. Hollywood Records bought the Apple Inc. laptop computer and software that Ms. Digby -- who lives with her parents in Los Angeles's upscale Brentwood neighborhood -- used to post her YouTube videos. Her version of "Umbrella" that is being sold at Apple's iTunes Store is a high-quality studio recording made in June by Hollywood Records, which also made it available to radio stations.

Ms. Digby, whose exotic looks reflect her Japanese and Irish heritage, began writing songs as a high-school student and set off in search of a music career during her freshman year at the University of California, Berkeley. She says she found herself flying back to Los Angeles almost every week to play solo gigs at open-microphone nights at clubs. At age 19, she left Berkeley and concentrated full-time on music.

While Ms. Digby won regular bookings at nightclubs, things didn't begin to click until a chance encounter with Barry Krost, a music manager whose past clients have included Cat Stevens. He took her on as a client and in early 2005 secured her a publishing deal with Rondor Music, a publisher that is part of Vivendi SA's Universal Music Group.

In late 2005, Ron Moss, Rondor's executive vice president, connected Ms. Digby to a Hollywood Records executive named Allison Hamamura, who was immediately taken with the singer. Before the year was out, Hollywood Records had signed Ms. Digby. Since then, the label has worked with the singer on her debut album of original songs. The album was produced by Tom Rothrock, who also recorded a recent hit record by British singer James Blunt.

Once the album was completed late last year, Ms. Digby and her label began looking for ways to gain visibility. "I was coming out of nowhere," Ms.

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THE WALL STREET JOURNAL.
WSJ.com

Digby says. "I wanted to find a way to get some exposure."

That's when the idea of posting simple videos of cover songs came up. "No one's going to be searching for Marié Digby, because no one knows who she is," Mr. Bunt, the Hollywood Records senior vice president, reasoned. So she posted covers of hits by Nelly Furtado and Maroon 5, among others, so that users searching for those artists' songs would stumble on hers instead. Her version of Rihanna's "Umbrella" proved a nearly instant hit.

The Lucky Nobody

As Ms. Digby's star rose, other media outlets played along. When Los Angeles adult-contemporary station KYSR-FM, which calls itself "Star 98.7," interviewed Ms. Digby in July, she and the disc jockey discussed her surprising success. "We kind of found her on YouTube," the DJ, known as Valentine, said. Playing the lucky nobody, Ms. Digby said: "I'm usually the listener calling in, you know, just hoping that I'm going to be the one to get that last ticket to the Star Lounge with [pop star] John Mayer!" The station's programming executives now acknowledge they had booked Ms. Digby's appearance through Hollywood Records, and were soon collaborating with the label to sell "Umbrella" as a single on iTunes.

"We did discover this artist through YouTube," says KYSR Program Director Charese Fruge. The DJ couldn't be reached for comment.

"I don't think we need a television show to find talent in America," crowed NBC late-night talk show host Carson Daly, introducing a performance by Ms. Digby last month. "We have the Internet." Mr. Daly's music booker, Diana Miller, says she booked the singer through Hollywood Records' public-relations department.

At the show's taping, Ms. Digby gave a backstage interview that was posted online by NBC. "I just did this YouTube video two months ago and n ever, ever imagined that it would actually get me on TV or radio or anything like that," she said. "I just did it in my living room and it blew up first on YouTube and then I guess it got to Star 98.7 and then Carson Daly found me so that's why I'm here."

Most of Ms. Digby's new fans seem pleased to believe that they discovered an underground sensation. A YouTube user posting a message in response to a cover of Linkin Park's "What I've Done" wrote, "you truely have talent! get urself out there...if u really wanted im positive u could land some sick record deals!! id buy a CD 4 sure!"

At a concert last week at a Los Angeles nightclub called the Hotel Cafe, Ms. Digby played to a sold-out crowd of young fans. Even with the club's handful of tables reserved for Hollywood Records executives and their guests, Ms. Digby continued to play the ingénue. Introducing "Umbrella," Ms. Digby told the audience: "I just turned on my little iMovie, and here I am!"

Write to Ethan Smith at ethan.smith@wsj.com and Peter Lattman at peter.lattman@wsj.com
Printed in The Wall Street Journal, page A1

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Rubin Exhibit 42

Selected Documents Regarding Mistaken Takedown Requests Viacom Sent to YouTube Targeting its Own Content

Ex. No. (Bates No.)	Date	Description
Ex. No. 43 (BAYTSP 002775849–52)	May 10, 2006	Viacom agent BayTSP to Viacom: "We have not been sending taker [sic] down notices for trailers since we got yelled at by Paramount Marketing for taking down trailers that they posted on youtube."
Ex. No. 44 (GOO001-00867454–58)	Jul. 25, 2006	YouTube responding to Paramount employee's question "How does this happen?" after Paramount content was taken down by a DMCA notice: "It was taken down due to an infringement notification that we received from baytsp."
Ex. No. 45 (GOO001-02693638 –40)	Aug. 2-9, 2006	WiredSet to YouTube in response to MTV's takedown of WiredSet-posted videos of MTV's The Hills: "We were hired by MTV to do online marketing around the show with a key tool being uploading and syndicating clips from each show via YouTube. We were authorized by MTV to use their videos on YouTube."
Ex. Nos. 46 - 48 (GOO001-08200963 –69; BAYTSP 001125285–88; BAYTSP 004343298)	Feb. 3-17, 2007	Series of documents starting with BayTSP takedown notice to YouTube requesting removal of a video posted by the user "tesderiw" and ending with email from BayTSP to Viacom: "this video belongs to WiredSet – approved account." All documents refer to the same YouTube video: UT6kmddYa_A.

Ex. No. (Bates No.)	Date	Description
Ex. Nos. 49 - 52 (BAYTSP 003722950–92; BAYTSP 001124869–70; BAYTSP 003733804; BAYTSP 001124846–48)	May. 1-8, 2007	Series of documents showing Viacom's takedown request for dozens of videos from YouTube account bullrunvideo, Viacom's retraction of those takedown requests because it "was under the impression that this user was on the 'protected, do not takedown list,'" and its eventual decision to "reinstate the takedown" after "some discussion" at Viacom "regarding the Bullrun takedown retraction."
Ex. No. 53 (GOO001-00859183–87)	Dec. 22, 2006	Viacom marketer ICED Media to YouTube in email entitled "Thatsfunny YouTube Account": "Our Youtube profile was recently mistakenly closed due to a copyright infringement issue with one of my clients (Comedy Central)."
Ex. Nos. 54 - 55 (GOO001-00953476; BAYTSP 003726370–71)	Feb. 4-5, 2007	Viacom to YouTube in email titled "Please put SpikeTV back up": "I know you're removing Viacom material, but you've suspended our account [m]istakenly. We entered into an agreement last year with YouTube for an [o]fficial Spike channel. All of those clips were legal." Employee of Viacom agent BayTSP who caused the account to be suspended: "This is my 'oh shit' for the day."
Ex. Nos. 56 - 57 (GOO001-00519038–41; BAYTSP 003720658)	Mar. 16-17, 2007	Documents reflecting that "[a]n authorized Paramount account on YouTube: Paraccount" was terminated due to takedown notices sent by Viacom's agent BayTSP: "The first 2 strikes against paraccount came from the major notice on 2/2/07. The third strike was received by YouTube on March 2, for a Norbit infringement."

Ex. No. (Bates No.)	Date	Description
Ex. Nos. 58 - 59 (VIA01244062–64; VIA11786564–65)	Oct. 5-19, 2007	Documents reflecting that the YouTube account of Paramount's "LAST KISS soundtrack partner" Lakeshore Entertainment was suspended because Viacom "wrongfully identified as a copyright infringement" a video uploaded to that account.
Ex. Nos. 60 & 61 (FS022201–02; FS037079–80)	Feb. 13, 2008	Documents starting with Viacom marketer Fanscape to MTV noting that "Viacom is cease–and–desisting the content from MTV off YouTube and has caused our account to be disabled, making all of the MTV videos we have on that account inaccessible," and showing, in a response by MTV, that this occurred even though MTV had "steps in place to alert our legal team when a 3rd party is posting [sic] our behalf."
Ex. No. 62 (BAYTSP 001090016)	Feb. 14, 2008	Viacom to BayTSP regarding mistaken takedown: "Can you reach out to youtube to accelerate the reinstatement of this account, our marketing vendor is freaking out as this is down for two days now."
Ex. No. 63 (FS000089)	Aug. 18, 2008	Viacom marketer Fanscape to YouTube: "For some reason our Fanscape YouTube Channel/Account was permanently disabled today. We work with MTV (Viacom) on several of their shows and upload A LOT of their content (clips from shows, promo clips, trailers, teasers, etc.). We've had this problem before with some of our videos getting flagged by Viacom not realizing we are an MTV agency . . . Everything on our channel has been legally provided for us by our clients . . ."

Ex. No. (Bates No.)	Date	Description
Ex. No. 64 (FS000029)	Sep. 9, 2008	Viacom marketer Fanscape to YouTube: "This is the second time in as many months that our channels have been disabled. I do understand that YouTube is not to blame for these disruptions and instead it [sic] more systemic of what occurs in big companies like our clients where one department isn't aware of what another department is doing . . ."
Ex. No. 65 (FS045726–29)	Sep. 9, 2008	Viacom marketer Fanscape to Viacom: "All three of our Fanscape YouTube Channels have been disabled. We have copyright infringements from Viacom or MTV related companies (i.e. record labels) that we need to take care of as soon as possible. If we can't keep a YouTube channel live then it makes it very difficult to blast out the MTV videos provided by you to promote new/existing shows. We of course are currently working around the problem and using alternative UGC sites – but as I'm sure you are aware, they simply aren't as popular as YouTube."
Ex. No. 66 (FS045676–79)	Sep. 16, 2008	Viacom marketer Fanscape to Viacom: "I just received this copyright violation from Viacom. It is very old content, but we need to get it cleared up so our channel isn't pulled down again. Is there anyway [sic] we can make sure legal doesn't pull down any videos on the fanscapevideos channel? This is happening quite often now . . ."

Ex. No. (Bates No.)	Date	Description
Ex. No. 67 (FS044880–84)	Oct. 14, 2008	Viacom marketer Fanscape to Viacom: "Viacom has filed copyright claims against three of our videos on the 'fanscapevideos' channel." A Viacom employee responded: "I'm on it. I'm not sure why this keeps happening because my legal contact says that they are aware of the channel."
Ex. No. 68 (FS003325-26; FS003335-44)	Jan. 6, 2009	Fanscape email attaching "the wrap report for 'A Double Shot at Love,'" and noting "you will not see links to all of the YouTube videos in the attached recap because unfortunately Viacom legal yanked 4 out of 5."

Rubin Exhibit 43

From: Mark M. Ishikawa
Sent: Wednesday, May 10, 2006 6:44 PM
To: Alfred_Perry@Paramount.com
Cc: Courtney Nieman; Evelyn Espinosa
Subject: RE: [html] Re: MI3 Daily Report 05/09/06

The remaining links are from the trailer. We have not been sending taker down notices for trailers since we got yelled at by Paramount Marketing for taking down trailers that they posted on youtube. That's one of the things I'd like to discuss on Monday, better coordination between the different departments. If you want us to send take down notices we can do it, just let me know. They are very cooperative when it comes to take down notices..

Mark

From: Alfred_Perry@Paramount.com [mailto:Alfred_Perry@Paramount.com]
Sent: Wednesday, May 10, 2006 11:20 AM
To: Mark M. Ishikawa
Subject: Fw: [html] Re: MI3 Daily Report 05/09/06

Please see below and let me know

Sent from my BlackBerry wireless handheld

----- Original Message -----
From: "Alexandra DeNeve" [adeneve@loeb.com]
Sent: 05/10/2006 10:28 AM
To: Alfred Perry
Cc: Scott Martin
Subject: RE: [html] Re: MI3 Daily Report 05/09/06

Al - of the ones in black (which are the ones not taken down yet) each one of them is just the trailer - two english, and 3 are foreign (I think Spanish) - do you care?

> -----Original Message-----
> **From:** Alfred_Perry@Paramount.com [mailto:Alfred_Perry@Paramount.com]
> **Sent:** Tuesday, May 09, 2006 6:36 PM
> **To:** Alexandra DeNeve
> **Cc:** Scott_Martin@paramount.com
> **Subject:** Fw: [html] Re: MI3 Daily Report 05/09/06
>
> Alexandra, taking downthese streamings reportedly on YouTube should be right up your alley.

Sent from my BlackBerry wireless handheld

----- Original Message -----
From: "Courtney Nieman" [courtneyni@baytsp.com]
Sent: 05/09/2006 03:30 PM
To: Alfred Perry" <alfred.perry@paramount.com>
Cc: Mark M. Ishikawa" <marki@baytsp.com>
Subject: RE: [html] Re: MI3 Daily Report 05/09/06

Al,

I have them all coming from YouTube. Here are the URLs:

1. 5/6/06 http://www.youtube.com/watch?v=i1xwdwA2Em4&search=MISION%20IMPOSIBLE (MI3 Behind the Scene.)
2. 5/9/06 http://www.youtube.com/watch?v=i1xwdwA2Em4&search=MISION%20IMPOSIBLE (MI3 30 sec. cut from a CAM) Notice Sent - Down
3. 5/9/06 http://www.youtube.com/watch?v=i1xwdwA2Em4&search=MISION%20IMPOSIBLE (MI3 30 sec. cut from a CAM) Notice Sent - Down
4. 5/9/06 http://www.youtube.com/watch?v=PRskI3TBa3s&search=MISION%20IMPOSIBLE
5. 5/9/06 http://www.youtube.com/watch?v=PRskI3TBa3s&search=MISION%20IMPOSIBLE
6. 5/9/06 http://www.youtube.com/watch?v=i1xwdwA2Em4&search=MISION%20IMPOSIBLE
7. 5/9/06 http://www.youtube.com/watch?v=_1njc8_x_jA&search=MISION%20IMPOSIBLE (MI3 30 sec. cut from a CAM) Notice Sent - Down
8. 5/9/06 http://www.youtube.com/watch?v=i1xwdwA2Em4&search=MISION%20IMPOSIBLE

Those in Red 2,3,7 have been taken down for content.

Courtney Nieman
Manager Client Services
BayTSP, Inc.
408-341-2314
AIM: BayTSPCanne
Have you checked out BayTSP's Piracy news web log? http://www.baytsp.com/weblog

The information contained in this email message may be confidential and is intended only for the parties to whom it is addressed. If you are not the intended recipient or an agent of same, please notify us of the mistake by telephone (408-341-2300) or email and delete the message from your system. Please do not copy the message or distribute it to anyone.

From: Alfred_Perry@Paramount.com [mailto:Alfred_Perry@Paramount.com]
Sent: Tuesday, May 09, 2006 2:16 PM
To: Armin Parang
Subject: [html] Re: MI3 Daily Report 05/09/06

Where do the two streamings originate?

Sent from my BlackBerry wireless handheld

----- Original Message -----
From: "Armin Parang" [arminp@baytsp.com]
Sent: 05/09/2006 01:26 PM
To: Alfred Perry" <alfred.perry@paramount.com>
Cc: Evelyn Espinosa" <evelyn@baytsp.com>
Subject: MI3 Daily Report 05/09/06

Attached is your update report for M:I 3 for 05/09/06 :

We have detected 8,611 infringements on P2P networks and 2 on Streaming Video. Of these 8,054 were from the United States and 554 were from International locations.

RADAR Update

Discovered:	50
Verified:	0
Discarded:	50

* Discovered - filename, file size, download activity suggest this to be a valid file, more research required.
* Verified - sufficient download to prove this to be a valid file.
* Discarded - filename, file size, download activity, prior verification suggest this to be an invalid file.

As of 11 AM on Tuesday May 9th, RADAR has detected 6 new valid infringements of Mission: Impossible III.

So far 50 pirate groups have distributed a CAM or Telesync of Mission: Impossible III. Some of these appear to be directly descended from the SaGa release. The major foreign languages for Mission: Impossible III, include Spanish, French, German and English.

Electronic Buys Update

No new Mission: Impossible III electronic buys have been made. Awaiting previous shipping confirmation.

Armin Parang
Client Services Manager
BayTSP, Inc.
408-341-2372
arminp@baytsp.com

Be sure to visit www.baytsp.com/weblog for the latest P2P news...

The information contained in this email message may be confidential and is intended only for the parties to whom it is addressed. If you are not the intended recipient or an agent of same, please notify us of the mistake by telephone or email and delete the message from your system. Please do not copy the message or distribute it to anyone.

CONFIDENTIALITY NOTICE: This e-mail transmission, and any documents, files or previous e-mail messages attached to it may contain confidential information that is legally privileged. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this transmission is STRICTLY PROHIBITED. If you have received this transmission in error, please immediately notify the sender. Please destroy the original transmission and its attachments without reading or saving in any manner. Thank you, Loeb & Loeb LLP.

Rubin Exhibit 44

To: Sara_Bordo@paramount.com <Sara_Bordo@paramount.com>
From: heather gillette <heather@youtube.com>
Cc: David_Toth@paramount.com <David_Toth@paramount.com>; 'Kevin Donahue' <kevin@youtube.com>; Kristina_Tipton@paramount.com <Kristina_Tipton@paramount.com>; Megan_Wahtera@paramount.com <Megan_Wahtera@paramount.com>; mshaw@youtube.com <mshaw@youtube.com>; Stephanie_Simard@paramount.com <Stephanie_Simard@paramount.com>
Bcc:
Received Date: 2006-07-25 19:23:30 CST
Subject: RE: Video Rejected: Copyright Infringement

Sara,

I have restored the one video that was taken down. It was taken down due to an infringement notification that we received from baytsp.

Thank you everyone!

Heather

From: Sara_Bordo@paramount.com [mailto:Sara_Bordo@paramount.com]
Sent: Tuesday, July 25, 2006 2:20 PM
To: heather gillette
Cc: David_Toth@paramount.com; 'Kevin Donahue'; Kristina_Tipton@paramount.com; Megan_Wahtera@paramount.com; mshaw@youtube.com; Stephanie_Simard@paramount.com
Subject: RE: Video Rejected: Copyright Infringement

Thank you all!

Sara Bordo
Director, Interactive Marketing
Paramount Pictures
323-956-8499

----- Replied by Sara Bordo on 7/25/2006 2:19:30 PM ----------

From:"heather gillette"

07/25/2006 02:18 PM

To: , "'Kevin Donahue'"

cc: , , , ,

Subject: RE: Video Rejected: Copyright Infringement

Great, looking at it now and restoring whatever was removed. I will confirm once it is done.

Heather

From: Megan_Wahtera@paramount.com [mailto:Megan_Wahtera@paramount.com]
Sent: Tuesday, August 01, 2006 2:15 PM
To: Kevin Donahue
Cc: 'heather gillette'; Kristina_Tipton@paramount.com; mshaw@youtube.com; Sara_Bordo@paramount.com; David_Toth@paramount.com; Stephanie_Simard@paramount.com
Subject: RE: Video Rejected: Copyright Infringement

U: zachbraffdotcom
P: [redacted]

Megan Wahtera
Director, Motion Picture Interactive Marketing
Paramount Pictures
P: 323.956.8516 I F: 323.862.1107

----- Replied by Megan Wahtera on 7/25/2006 2:12:04 PM ----------

From:"Kevin Donahue"

07/25/2006 01:15 PM

To: ,

cc: , , "'heather gillette'"

Subject: RE: Video Rejected: Copyright Infringement

Hi Sara,

I'm ccing our head of Customer Service and copyright agent, Heather Gillette. She can look into this for you. We'll get you an answer asap. Heather, please see email at bottom of this email string. I've asked the Paramount folks what the user name is for the account in question - they're going to get us that info soon.

Best,
Kevin

From: Sara_Bordo@paramount.com [mailto:Sara_Bordo@paramount.com]
Sent: Tuesday, July 25, 2006 12:47 PM
To: kevin@youtube.com; mshaw@youtube.com
Cc: Megan_Wahtera@paramount.com; Kristina_Tipton@paramount.com
Subject: Fw: Video Rejected: Copyright Infringement

Hi guys-
We need your help with something. All of the Last Kiss content that we uploaded has somehow been removed- not per our approval. How can we get this back up? How does this happen?

Sara Bordo
Director, Interactive Marketing
Paramount Pictures
323-956-8499
----- Forwarded by Sara Bordo/Marketing/MP/Paramount_Pictures on 07/25/2006 12:44 PM -----

From:Megan Wahtera

07/25/2006 12:42 PM

To: Sara Bordo

cc:

Subject: Fw: Video Rejected: Copyright Infringement

Megan Wahtera
Director, Motion Picture Interactive Marketing
Paramount Pictures
P: 323.956.8516 I F: 323.862.1107
----- Forwarded by Megan Wahtera/Marketing/MP/Paramount_Pictures on 07/25/2006 12:42 PM -----

From:"Real Pie Media"

07/25/2006 10:48 AM

To:

cc: , "'Rob Flemming'"

Subject: FW: Video Rejected: Copyright Infringement

Hi Megan,

I got this notice from YouTube just now... Looks like you told them to take the teaser down ;~))

It seems to only be for the Teaser and not the full Trailer, which is still up there.

Pls advise.

Thx-KIRK

From: DMCA Complaints [mailto:copyright_counternotice@youtube.com]
Sent: Tuesday, July 25, 2006 10:37 AM
To: zachbraffdotcom
Subject: Video Rejected: Copyright Infringement

YouTube

Dear Member:

This is to notify you that we have removed or disabled access to the following material as a result of a third-party notification by Paramount Pictures claiming that this material is infringing:

The Last Kiss Teaser: http://www.youtube.com/watch?v=2mjTCXMWsf8

Please Note: Repeat incidents of copyright infringement will result in the deletion of your account and all videos uploaded to that account. In order to avoid future strikes against your account, please delete any videos to which you do not own the rights, and refrain from uploading additional videos that infringe on the copyrights of others. For more information about YouTube's copyright policy, please read the Copyright Tips guide.

If you elect to send us a counter notice, to be effective it must be a written communication provided to our designated agent that includes substantially the following (please consult your legal counsel or see 17 U.S.C. Section 512(g)(3) to confirm these requirements):

(A) A physical or electronic signature of the subscriber.

(B) Identification of the material that has been removed or to which access has been disabled and the location at which the material appeared before it was removed or access to it was disabled.

(C) A statement under penalty of perjury that the subscriber has a good faith belief that the material was removed or disabled as a result of mistake or misidentification of the material to be removed or disabled.

(D) The subscriber's name, address, and telephone number, and a statement that the subscriber consents to the jurisdiction of Federal District Court for the judicial district in which the address is located, or if the subscriberis address is outside of the United States, for any judicial district in which the service provider may be found, and that the subscriber will accept service of process from the person who provided notification under subsection (c)(1)(C) or an agent of such person.

Such written notice should be sent to our designated agent as follows:

DMCA Complaints
YouTube, Inc.
PO Box 2053
San Mateo, CA 94401
Email: copyright@youtube.com

Please note that under Section 512(f) of the Copyright Act, any person who knowingly materially misrepresents that material or activity was removed or disabled by mistake or misidentification may be subject to liability.

Sincerely,
YouTube, Inc.

Copyright C 2006 YouTube, Inc.

Rubin Exhibit 45

To: "Kauffman, Stuart" <Stuart.Kauffman@mtvstaff.com>
From: "Micah Schaffer" <micah@youtube.com>
Cc:
Bcc:
Sent Date: 2006-08-09 02:05:26 CST
Subject: Re: INFRINGMENT OF MTV Networks Intellectual Property YOUTUBE

Dear Mr. Kauffman,

We have received the following counter notification with regards to videos removed in response to your infringement notification.

Please review it and let us know if you have any objection to the videos being reinstated.

Thank you,

Micah Schaffer
YouTube, Inc.

-------- Original Message --------
Subject: FW: Video Rejected: Copyright Infringement
Date: Fri, 4 Aug 2006 13:55:07 -0400
From: Grant Johmann <grant@wiredset.com>
To: <copyright@youtube.com>

To Whom It May Concern:

We received the email below in response to 7 videos we have on YouTube for the MTV show – The Hills. We were hired by MTV to do online marketing around the show with a key tool being uploading and syndicating clips from each show via YouTube. We were authorized by MTV to use their videos on YouTube.

I called MTV to let them know about these emails and how someone contacted YouTube to say we are infringing on their copyright material. I was assured that they would call their lawyers to let them know that we are legit and what we are doing has been authorized by MTV.

What do I need to provide or have MTV provide to settle this matter?

FYI – our YouTube user name is our company name - Wiredset

Thank you,

Grant

Kauffman, Stuart wrote:
>
> August 2, 2006
>
> _Via Email (__copyright@youtube.com_ <mailto:copyright@youtube.com>_)_

>
> DMCA Complaints and/or Heather Gillette
> Youtube.com
> 71 E. Third Avenue
> 2nd Floor
> San Mateo CA 94401
>
> *Re: URGENT – Notice of Infringement*
> * **_ "The Hills _*
>
> To Whom It May Concern:
>
> I write to notify you of an infringement of MTV Networks' ("MTVN")
> intellectual property rights on/ youtube.com/, and to insist that you
> take immediate action to cease such infringement.
>
> MTVN owns and operates the television programming service MTV, and is
> the owner of exclusive rights protected under copyright law and other
> intellectual property rights in the MTV television series "The Hills"
> (the "Series")/. /
>
> We have become aware that unauthorized versions of recent episodes of
> the Series are available on your website at the following links:
> _http://www.youtube.com/results?search=mtv+the+hills+&search_type=search_videos_
> <http://www.youtube.com/results?search=mtv+the+hills+&search_type=search_videos>;
> _http://www.youtube.com/profile?user=Raze71_. For example, in two parts,
> the entire episode 109 is presented. We believe that the entire last
> episode of the first season (No. 110) is also currently available on
> youtube, and was available even before that episode aired on television.
>
> MTVN did not authorize the distribution and/or copying of this material,
> and as a result, such uses are unlawful infringements. Moreover, by no
> stretch of the law are these fair uses. Taking nearly one-half (in
> several instances) of 22 minute episodes or taking entire episodes, as
> outlined above, and/or doing so before MTVN's airing thereof (scooping)
> is egregious infringement for which neither fair use nor any other
> defense is applicable. / See//// Harper & Row v. Nation Enters./, 471
> U.S. 539 (1985). I note that this is the second take down notice sent to
> youtube for nearly the exact infringement in the course of two months.
>
> MTVN insists that you immediately remove and disable access to the
> above-referenced material – whether at the above referenced links or
> elsewhere. MTVN further insists that you immediately destroy any and
> all unauthorized reproductions of such within your possession, custody
> or control. We insist also that you take steps necessary to cease
> future such infringements. Please confirm your compliance with these
> demands within one day of your receipt of this correspondence.
>
> The undersigned has a good faith belief that use of the material in the
> manner described herein is not authorized by MTVN, its agents or the
> law. The information in this notice is accurate. And, under penalty of
> perjury, the undersigned is authorized to act on behalf of MTVN with
> respect to this matter.
>
> Please note that this letter is not intended as a full statement of the
> facts, and is without waiver of any rights and remedies – all of which
> are expressly reserved.
>

> Very truly yours,
>
> /s/
>
>
> Stuart Kauffman
> Senior Counsel, Intellectual Property
> & Litigation
> MTV Networks
> 1515 Broadway, 34-55
> New York, NY 10036
> T. 212.846-3543
> F. 646.688.6849
> E. stuart.kauffman@mtvstaff.com
>
> Privileged & Confidential Attorney Client Communication. Do Not
> Disclose.**
> _____
> Click to add my contact info to your organizer:
> _http://my.infotriever.com/vh6gt1sl_
>

_____

Rubin Exhibit 46

To: copyright@youtube.com
From: mtvn-no-reply@copyright-compliance.com
CC:
BCC:
Sent Date: 2007-02-03 09:25:57 GMT
Subject: Notice ID: 158-8264 Notice of Unauthorized Use of Intellectual Property

---

-----BEGIN PGP SIGNED MESSAGE-----
Hash: SHA1

Notice ID: 158-8264
Notice Date: 3 Feb 2007 09:27:32 GMT

YouTube, Inc.

Dear Sir or Madam:

BayTSP, Inc. ("BayTSP") swears under penalty of perjury that it is authorized to act on behalf of Viacom International Inc., Atom Entertainment, Inc., Black Entertainment Television LLC, Comedy Partners, Country Music Television, Inc., Network Enterprises Inc., 51 Minds Entertainment, LLC, and Mindring Productions, LLC (collectively, the Copyright Owners), one of which is the owner of exclusive rights under copyright alleged to be infringed herein. BayTSP's search of the protocol listed below has detected infringements of exclusive copyright interests on your IP addresses as detailed in the attached report.

BayTSP has reasonable good faith belief that use of the material in the manner complained of in the attached report is not authorized by the Copyright Owners, their agents, or the law. The information provided herein is accurate to the best of our knowledge. Therefore, this letter is an official notification to effect removal of the detected infringement listed in the attached report. The attached documentation specifies the exact location of the infringement.

We hereby request that you immediately remove or block access to the infringing material, as specified in the copyright laws, and insure the user refrains from using or sharing with others the Copyright Owners' materials in the future. Additionally we request that the removed link state the following:

"This video has been removed due to copyright infringement."

We urge you to take immediate action to stop this infringing activity and inform us of the results of your actions.

Please respond indicating the actions you have taken to resolve this matter. The provided link has been assigned to this matter http://webreply.baytsp.com/webreply/webreply.jsp?customerid=158&commhash=4ce28c6a50517ead9b60c1b5c547b5ac. For email correspondence, please reference the above Notice ID in the subject line mailto:mtvn@copyright-compliance.com?subject=RE%3A%20Notice%20ID%3A%20158%2D8264%20Notice%20of%20Unauthorized%20Use%20of%20Intellectual%20Property.

Nothing in this letter shall serve as a waiver of any rights or remedies of the Copyright Owners with respect to the alleged infringement, all of which

are expressly reserved. This notice is without prejudice to the positions that (1) 17 U.S.C. 512 does not apply and (2) you have an affirmative obligation to take down the Copyright Owners' copyrighted content without regard to getting a specific takedown notice.

In complying with this notice, YouTube should not destroy or spoliate any evidence which may be relevant in a subsequent lawsuit relating to the infringement alleged herein, including the infringing videos and all associated electronic documents and data relating to their presence on YouTube, which shall be preserved while disabling public access, irrespective of any document retention or corporate policy to the contrary.

Should you need to contact me, I may be reached at the following address:

Mark Ishikawa
Chief Executive Officer
BayTSP, Inc.
PO Box 1314
Los Gatos, CA 95031

v: 408-341-2300
f: 408-341-2399
copyright-compliance@baytsp.com

*pgp public key is available on the key server at ldap://keyserver.pgp.com

Evidentiary Information:
Notice ID: 8264
Protocol: YouTube
Video Title: Danny Skylark?! Prt.2
Video Length: 68
Timestamp: 2 Feb 2007 21:48:42 GMT
Last Seen Date: 3 Feb 2007 02:08:29 GMT
URL: http://www.youtube.com/watch?v=D2DTt3bBwdQ
Username (if available): Straehmodgink

Evidentiary Information:
Notice ID: 8264
Protocol: YouTube
Video Title: Random Ruins Nothing
Video Length: 158
Timestamp: 2 Feb 2007 21:49:05 GMT
Last Seen Date: 3 Feb 2007 02:08:42 GMT
URL: http://www.youtube.com/watch?v=CtG2CyWeWEw
Username (if available): TheValentineBros

Evidentiary Information:
Notice ID: 8264
Protocol: YouTube
Video Title: FOP/Spongebob Christmas Clip
Video Length: 155
Timestamp: 2 Feb 2007 21:49:40 GMT
Last Seen Date: 3 Feb 2007 02:09:14 GMT
URL: http://www.youtube.com/watch?v=lJabUzwExK4
Username (if available): WesleyT1992

Evidentiary Information:
Notice ID: 8264
Protocol: YouTube
Video Title: Christina.A -Hurt Remix

Video Length: 239
Timestamp: 3 Feb 2007 02:04:01 GMT
Last Seen Date: 3 Feb 2007 02:04:01 GMT
URL: http://www.youtube.com/watch?v=Ok8Tyq1vqvM
Username (if available): DuyguBritney

Evidentiary Information:
Notice ID: 8264
Protocol: YouTube
Video Title: Christina Aguilera - MTV Diary (2000) montage
Video Length: 238
Timestamp: 3 Feb 2007 02:04:01 GMT
Last Seen Date: 3 Feb 2007 02:04:01 GMT
URL: http://www.youtube.com/watch?v=S8Z_s18dwyI
Username (if available): xtina4sarah

Evidentiary Information:
Notice ID: 8264
Protocol: YouTube
Video Title: Aguilera Greatest Performances MTV
Video Length: 237
Timestamp: 3 Feb 2007 02:04:01 GMT
Last Seen Date: 3 Feb 2007 02:04:01 GMT
URL: http://www.youtube.com/watch?v=GkcpuV5gvVY
Username (if available): SlowDownYourFever

Evidentiary Information:
Notice ID: 8264
Protocol: YouTube
Video Title: Can't hold us down acapella
Video Length: 231
Timestamp: 3 Feb 2007 02:04:02 GMT
Last Seen Date: 3 Feb 2007 02:04:02 GMT
URL: http://www.youtube.com/watch?v=8LWZpu6k2WU
Username (if available): Lassie100

Evidentiary Information:
Notice ID: 8264
Protocol: YouTube
Video Title: Christina Aguilera-Have Yourself A Merry Little Christmas
Video Length: 230
Timestamp: 3 Feb 2007 02:04:02 GMT
Last Seen Date: 3 Feb 2007 02:04:02 GMT
URL: http://www.youtube.com/watch?v=5XtyoncpUiE
Username (if available): Dizztrict88

Evidentiary Information:
Notice ID: 8264
Protocol: YouTube
Video Title: The Christmas Song
Video Length: 226
Timestamp: 3 Feb 2007 02:04:02 GMT
Last Seen Date: 3 Feb 2007 02:04:02 GMT
URL: http://www.youtube.com/watch?v=vujyvwHMpio
Username (if available): Yeleysa

Evidentiary Information:
Notice ID: 8264
Protocol: YouTube
Video Title: Still More Dirrty!

Video Length: 226
Timestamp: 3 Feb 2007 02:04:03 GMT
Last Seen Date: 3 Feb 2007 02:04:03 GMT
URL: http://www.youtube.com/watch?v=SSTuSvuThNU
Username (if available): elisoncss

Evidentiary Information:
Notice ID: 8264
Protocol: YouTube
Video Title: Xtina - Genio Atrapado
Video Length: 221
Timestamp: 3 Feb 2007 02:04:03 GMT
Last Seen Date: 3 Feb 2007 02:04:03 GMT
URL: http://www.youtube.com/watch?v=bA8PXa2EFuc
Username (if available): ktwoman85

Evidentiary Information:
Notice ID: 8264
Protocol: YouTube
Video Title: Tribute to pcd,gwen stefani,xtina,nellyfurtado,etc
Video Length: 209
Timestamp: 3 Feb 2007 02:04:04 GMT
Last Seen Date: 3 Feb 2007 02:04:04 GMT
URL: http://www.youtube.com/watch?v=LkfWAEi6Rpg
Username (if available): laughoutloudz

Evidentiary Information:
Notice ID: 8264
Protocol: YouTube
Video Title: Tell Me - Making The Video Part. 3
Video Length: 186
Timestamp: 3 Feb 2007 02:04:04 GMT
Last Seen Date: 3 Feb 2007 02:04:04 GMT
URL: http://www.youtube.com/watch?v=T0lB5hUT4H8
Username (if available): cayocorrea

Evidentiary Information:
Notice ID: 8264
Protocol: YouTube
Video Title: Janet - Throb
Video Length: 156
Timestamp: 3 Feb 2007 02:04:05 GMT
Last Seen Date: 3 Feb 2007 02:04:05 GMT
URL: http://www.youtube.com/watch?v=iNzFq3x0iw4
Username (if available): tonyg1888

Evidentiary Information:
Notice ID: 8264
Protocol: YouTube
Video Title: xtina test
Video Length: 24
Timestamp: 3 Feb 2007 02:04:05 GMT
Last Seen Date: 3 Feb 2007 02:04:05 GMT
URL: http://www.youtube.com/watch?v=UT6kmddYa_A
Username (if available): tesderiw

Evidentiary Information:
Notice ID: 8264
Protocol: YouTube
Video Title: First images of "Glamorous" - Fergie

Video Length: 50
Timestamp: 3 Feb 2007 02:14:07 GMT
Last Seen Date: 3 Feb 2007 02:14:07 GMT
URL: http://www.youtube.com/watch?v=J0mdhIwMTiU
Username (if available): BITAMIH

Evidentiary Information:
Notice ID: 8264
Protocol: YouTube
Video Title: Destiny's Childs - Lose my breath
Video Length: 203
Timestamp: 3 Feb 2007 02:14:07 GMT
Last Seen Date: 3 Feb 2007 02:14:07 GMT
URL: http://www.youtube.com/watch?v=ctVCXfjNS_0
Username (if available): quiet01

Evidentiary Information:
Notice ID: 8264
Protocol: YouTube
Video Title: Trl 05 03 GC
Video Length: 274
Timestamp: 3 Feb 2007 02:14:08 GMT
Last Seen Date: 3 Feb 2007 02:14:08 GMT
URL: http://www.youtube.com/watch?v=TK-pcOaEBtk
Username (if available): joeyrocks44

Evidentiary Information:
Notice ID: 8264
Protocol: YouTube
Video Title: Trl 05 01 GC
Video Length: 439
Timestamp: 3 Feb 2007 02:14:08 GMT
Last Seen Date: 3 Feb 2007 02:14:08 GMT
URL: http://www.youtube.com/watch?v=KrhDGHA3q7s
Username (if available): joeyrocks44

Evidentiary Information:
Notice ID: 8264
Protocol: YouTube
Video Title: Justin Timberlake - Medley MTV EMA '06
Video Length: 324
Timestamp: 3 Feb 2007 02:14:08 GMT
Last Seen Date: 3 Feb 2007 02:14:08 GMT
URL: http://www.youtube.com/watch?v=pT-VlqnkLXg
Username (if available): RaKeLBrIt

Evidentiary Information:
Notice ID: 8264
Protocol: YouTube
Video Title: Pet Shop Boys - It's Alright (MTV Video)
Video Length: 255
Timestamp: 3 Feb 2007 02:14:11 GMT
Last Seen Date: 3 Feb 2007 02:14:11 GMT
URL: http://www.youtube.com/watch?v=P8eQAcbEg6A
Username (if available): dariolottarosie78

Evidentiary Information:
Notice ID: 8264
Protocol: YouTube
Video Title: PROVIZORCA: MTV / Choices

Video Length: 53
Timestamp: 3 Feb 2007 02:14:11 GMT
Last Seen Date: 3 Feb 2007 02:14:11 GMT
URL: http://www.youtube.com/watch?v=FLC4p_OWNFU
Username (if available): provizorca

Evidentiary Information:
Notice ID: 8264
Protocol: YouTube
Video Title: Beyonce - "Deja Vu"
Video Length: 237
Timestamp: 3 Feb 2007 02:14:12 GMT
Last Seen Date: 3 Feb 2007 02:14:12 GMT
URL: http://www.youtube.com/watch?v=2UQdgRKVQZo
Username (if available): BeyonceChannel

Evidentiary Information:
Notice ID: 8264
Protocol: YouTube
Video Title: DJ CHEF SERVIN' THE BEATS & EATS ON MTV
Video Length: 310
Timestamp: 3 Feb 2007 02:14:12 GMT
Last Seen Date: 3 Feb 2007 02:14:12 GMT
URL: http://www.youtube.com/watch?v=bv4ImyWgzt8
Username (if available): DJCHEF

Evidentiary Information:
Notice ID: 8264
Protocol: YouTube
Video Title: Natalie Imbruglia - Interview (MTV Spotlight)
Video Length: 239
Timestamp: 3 Feb 2007 02:14:13 GMT
Last Seen Date: 3 Feb 2007 02:14:13 GMT
URL: http://www.youtube.com/watch?v=HBfja8g3Imk
Username (if available): Carlosmaestro

Evidentiary Information:
Notice ID: 8264
Protocol: YouTube
Video Title: MTV FIRST LOOK
Video Length: 18
Timestamp: 3 Feb 2007 02:14:14 GMT
Last Seen Date: 3 Feb 2007 02:14:14 GMT
URL: http://www.youtube.com/watch?v=My6FyHBIz8A
Username (if available): thehallmarktube

Evidentiary Information:
Notice ID: 8264
Protocol: YouTube
Video Title: MTV Station Identifiers (2)
Video Length: 27
Timestamp: 3 Feb 2007 02:14:16 GMT
Last Seen Date: 3 Feb 2007 02:14:16 GMT
URL: http://www.youtube.com/watch?v=wmQTH1lJ6vw
Username (if available): musser

Evidentiary Information:
Notice ID: 8264
Protocol: YouTube
Video Title: Backstreet Boys -I WANT IT THAT WAY LIVE

Video Length: 216
Timestamp: 3 Feb 2007 02:14:19 GMT
Last Seen Date: 3 Feb 2007 02:14:19 GMT
URL: http://www.youtube.com/watch?v=F3c0nhrkuzA
Username (if available): myeah101

Evidentiary Information:
Notice ID: 8264
Protocol: YouTube
Video Title: MTV EARPHONES
Video Length: 16
Timestamp: 3 Feb 2007 02:14:19 GMT
Last Seen Date: 3 Feb 2007 02:14:19 GMT
URL: http://www.youtube.com/watch?v=MpDWK9K2DEM
Username (if available): djak606

Evidentiary Information:
Notice ID: 8264
Protocol: YouTube
Video Title: madonna interview 2000
Video Length: 539
Timestamp: 3 Feb 2007 02:14:20 GMT
Last Seen Date: 3 Feb 2007 02:14:20 GMT
URL: http://www.youtube.com/watch?v=sl4aG_LR6FI
Username (if available): pudwhacker

Evidentiary Information:
Notice ID: 8264
Protocol: YouTube
Video Title: madonna music news Girlie Show 1993
Video Length: 227
Timestamp: 3 Feb 2007 02:14:20 GMT
Last Seen Date: 3 Feb 2007 02:14:20 GMT
URL: http://www.youtube.com/watch?v=7s2KY9nMGNo
Username (if available): pudwhacker

-----BEGIN PGP SIGNATURE-----
Version: 8.0

iD8DBQFFxFUlTCeiqeUtGBMRAmYuAKDPrd5eoR4hqwIZZcamO6qWsLxF3wCfQfzm
ZxXUZA/lt514D9xgMTIptTw=
=vFF8
-----END PGP SIGNATURE-----

Rubin Exhibit 47

From: Copyright Service [copyright@support.youtube.com]
Sent: Thursday, February 15, 2007 7:10 AM
To: Courtney Nieman
Subject: Re: [C#111024308] DMCA Counter Notification - from Wiredset, LLC - re: Viacom

Follow Up Flag: Follow up
Flag Status: Completed

Attachments: cb7cc011.pdf

cb7cc011.pdf (60 KB)

Dear Courtney,

We received the attached counter-notification in response to the complaint you filed with us. As described in the United States Digital Millennium Copyright Act (DMCA) 17 U.S.C. 512, by this email, we are providing you with the counter-notification and await your notice (in not more than 10 days) that you have filed an action seeking a court order to restrain the counter-notifier's allegedly infringing activity. If we do not receive such notice from you, we will reinstate the material to YouTube.

Sincerely,

Jacob
The YouTube Team

HIGHLY CONFIDENTIAL

As per a conversation today with Heather Gillette, YouTube's Designated Copyright Agent, I, Bryan Munson, am sending this counter notification in response to the copyright infringement placed on our series of videos by VIACOM. We have two copyright strikes on our account, one for the Xtina Test (included in this sheet) and an additional one for a Hills Trailer, for which I do not currently have the link. I would ask that you contact the individual listed at the bottom of the page, Todd Apmann, for verification of our MTV/VIACOM postings.

Counter Notification re: YouTube DMCA Copyright infringement from VIACOM

1. Xtina Test: http://www.youtube.com/watch?v=UT6kmddYa_A Username: Tesderiw

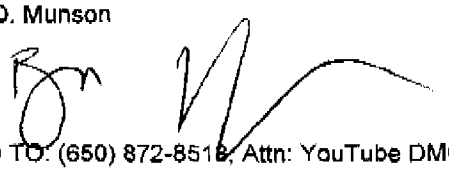
2. Pertinent info -

Wiredset, LLC
Bryan Munson
425 W. 13th Street
Suite 504
New York, NY 10014
bryanm@wiredset.com

I consent to the jurisdiction of Federal District Court for the judicial district in which my address is and I will accept service of process from the person who provided notification under subsection (c)(1)(C) or an agent of such person.

3. "I swear, under penalty of perjury, that I have a good faith belief that each search result or message identified above was removed or disabled as a result of a mistake or misidentification of the material to be removed or disabled."

4. Bryan D. Munson



5. FAXED TO: (650) 872-8513, Attn: YouTube DMCA Counter Notification

Please Contact Todd Apmann at MTV with any and all inquiries on Wiredset's behalf as it pertains to these violations:

Todd Apmann
Director, Program Promotion
MTV: Music Television
212.846.6942
todd.apmann@mtvstaff.com

As per a conversation today with Heather Gillette, YouTube's Designated Copyright Agent, I, Bryan Munson, am sending this counter notification in response to the copyright infringement placed on our series of videos by VIACOM. We have two copyright strikes on our account, one for the Xtina Test and one for a Hills Trailer (included in this sheet), for which I do not currently have the link. I would ask that you contact the individual listed at the bottom of the page, Todd Apmann, for verification of our MTV/VIACOM postings.

Counter Notification re: YouTube DMCA Copyright infringement from VIACOM

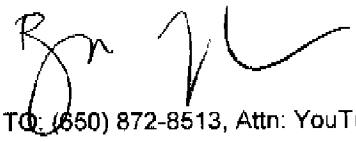
1. Hills Trailer: [link unknown] Username: wiredset

2. Pertinent info -
   Wiredset, LLC
   Bryan Munson
   425 W. 13th Street
   Suite 504
   New York, NY 10014
   bryanm@wiredset.com

I consent to the jurisdiction of Federal District Court for the judicial district in which my address is and I will accept service of process from the person who provided notification under subsection (c)(1)(C) or an agent of such person.

3. "I swear, under penalty of perjury, that I have a good faith belief that each search result or message identified above was removed or disabled as a result of a mistake or misidentification of the material to be removed or disabled."

4. Bryan D. Munson



5. FAXED TO: (650) 872-8513, Attn: YouTube DMCA Counter Notification

Please Contact Todd Apmann at MTV with any and all inquiries on Wiredset's behalf as it pertains to these violations:

Todd Apmann
Director, Program Promotion
MTV: Music Television
212.846.6942
todd.apmann@mtvstaff.com

Attn: YouTube DMCA Counter Notification

To: Heather Gillette

From: Bryan Munson, Wiredset
212.292.3464

RE: Counter Notification of Wiredset YouTube account regarding VIACOM copyright strikes.

Bryan Munson

Rubin Exhibit 48

From: Courtney Nieman
Sent: Saturday, February 17, 2007 1:44 AM
To: Michelena.hallie@mtvn.com; Solow, Warren
Cc: Zweig, Jeremy
Subject: review

Please disregard previous request...this video belongs to WiredSet - approved account.
UT6kmddYa_A

Courtney Nieman
Manager Client Services
BayTSP, Inc.
408-341-2314
AIM: BayTSPCanne
Have you checked out BayTSP's Piracy news web log? http://www.baytsp.com/weblog

The information contained in this email message may be confidential and is intended only for the parties to whom it is addressed. If you are not the intended recipient or an agent of same, please notify us of the mistake by telephone (408-341-2300) or email and delete the message from your system. Please do not copy the message or distribute it to anyone.

HIGHLY CONFIDENTIAL BAYTSP 004343298